Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/17/2017 5:42:35 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: Teleconference Re: EPA CAFO/SEP, at 11:00 A.M. (PST) [WARNING: DKIM validation failed]
Attachments: Re: EPA CAFO/SEP
Location: Toll Free Dial-in Number:1-888-325-3989, Participant Code: 836031

Start: 1/17/2017 7:00:00 PM
End: 1/17/2017 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 9/30/2016 3:46:08 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 10/11/2016 7:53:25 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 10:00:00 PM
End: 10/19/2016 11:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 10/27/2016 9:48:11 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/30/2016 2:18:04 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Accepted: Whole Foods
Location: John's office

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/22/2016 1:04:26 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]

Subject: Accepted: Whole Foods Meeting
Location: 3146 ARS

Start: 9/27/2016 5:30:00 PM
End: 9/27/2016 6:30:00 PM
Show Time As: Busy

Appointment

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 10/4/2016 2:28:51 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: WF prep/discussion
Location: My office or yours?

Start: 10/5/2016 2:00:00 PM
End: 10/5/2016 2:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 2/7/2017 9:25:20 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Jonesi, Gary [Jonesi.Gary@epa.gov]; John.Hempfling@wholefoods.com; jhartmanking@kingwilliamslaw.com

Subject: Proposed Whole Foods Market Consent Agreement
Location: Conference Call

Start: 2/9/2017 8:00:00 PM
End: 2/9/2017 8:30:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/14/2016 1:14:12 AM
To: John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/22/2016 2:24:50 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]

Subject: Accepted: Whole Foods Pre-Meeting
Location: 3146 ARS

Start: 9/26/2016 8:00:00 PM
End: 9/26/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/20/2016 3:29:33 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]

Subject: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 3/8/2017 5:15:00 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]

Subject: Accepted: Whole Foods CAFO Conference Call

Start: 3/13/2017 6:00:00 PM
End: 3/13/2017 6:30:00 PM
Show Time As: Busy

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/1/2016 9:09:36 PM
BCC: DCRoomARS3142/DC-ARIEL-RIOS-OECA-OCE [DCRoomARS3142@epa.gov]

Subject: WFM discussions
Location: DCRoomARS3142/DC-ARIEL-RIOS-OECA-OCE

Start: 12/21/2016 2:00:00 PM
End: 12/21/2016 5:00:00 PM
Show Time As: Tentative

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/1/2016 9:09:18 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
BCC: DCRoomARS3142/DC-ARIEL-RIOS-OECA-OCE [DCRoomARS3142@epa.gov]

Subject: WFM discussions
Location: DCRoomARS3142/DC-ARIEL-RIOS-OECA-OCE

Start: 12/21/2016 2:00:00 PM
End: 12/21/2016 5:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/8/2016 8:00:43 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 4/3/2017 8:23:27 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]

Subject: Accepted: Whole Foods CAFO Conference Call

Start: 4/4/2017 7:00:00 PM
End: 4/4/2017 7:30:00 PM
Show Time As: Busy

Appointment

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 4/3/2017 7:06:45 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]

Subject: Whole Foods CAFO Conference Call

Start: 4/4/2017 7:00:00 PM
End: 4/4/2017 7:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/2/2016 7:32:34 AM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/8/2016 7:00:00 PM
End: 12/8/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/14/2016 1:33:32 AM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 11/1/2016 7:51:05 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/10/2016 8:00:00 PM
End: 11/10/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 2/7/2017 10:29:44 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]

Subject: Accepted: Proposed Whole Foods Market Consent Agreement
Location: Conference Call

Start: 2/9/2017 8:00:00 PM
End: 2/9/2017 8:30:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/20/2016 3:29:39 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]

Subject: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 3/15/2017 3:46:30 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]

Subject: Accepted: Whole Foods CAFO Conference Call

Start: 3/31/2017 7:00:00 PM
End: 3/31/2017 7:30:00 PM
Show Time As: Busy

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/20/2016 3:32:35 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/30/2016 4:03:26 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]

Subject: Accepted: EPA / WFM Call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 3/8/2017 5:00:52 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John.Hempfling@wholefoods.com; jhartmanking@kingwilliamslaw.com

Subject: Whole Foods CAFO Conference Call

Start: 3/13/2017 6:00:00 PM
End: 3/13/2017 6:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 3/15/2017 3:13:04 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]

Subject: Whole Foods CAFO Conference Call

Start: 3/31/2017 7:00:00 PM
End: 3/31/2017 7:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 11/1/2016 7:31:38 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/10/2016 8:00:00 PM
End: 11/10/2016 9:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/8/2016 8:48:04 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 8:00:00 PM
End: 12/15/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 10/11/2016 4:36:26 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Aminah Famili [AFamili@KIngWilliamsLaw.com]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 7:00:00 PM
End: 10/19/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 10/17/2016 6:18:59 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 7:00:00 PM
End: 10/19/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 9/22/2016 2:17:45 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Whole Foods Pre-Meeting
Location: 3146 ARS

Start: 9/26/2016 8:00:00 PM
End: 9/26/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 11/1/2016 7:31:38 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/10/2016 8:00:00 PM
End: 11/10/2016 9:00:00 PM
Show Time As: Busy

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 10/27/2016 9:48:11 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 10/11/2016 4:36:26 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Aminah Famili [AFamili@KIngWilliamsLaw.com]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 7:00:00 PM
End: 10/19/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 9/30/2016 1:41:12 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Whole Foods
Location: John's office

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 9/30/2016 3:46:08 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 10/4/2016 2:28:51 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: WF prep/discussion
Location: My office or yours?

Start: 10/5/2016 2:00:00 PM
End: 10/5/2016 2:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 9/22/2016 12:56:01 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]

Subject: Whole Foods Meeting
Location: 3146 ARS

Start: 9/27/2016 5:30:00 PM
End: 9/27/2016 6:30:00 PM
Show Time As: Busy

Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 10/27/2016 9:45:22 PM
To: Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Great – thank you. I will send a calendar invitation momentarily.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, October 27, 2016 2:35 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Rescheduling the call to Tuesday, November 1st at 3:00 pm EST works for us.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Thursday, October 27, 2016 5:20 PM
To: Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Hi, Laura. Thank you for checking in. We are still working through the draft CAFO and likely will not have the proposed revisions to you before tomorrow. John is buried in trial prep, and I'm not sure of his availability. How about tentatively rescheduling our call for November 1st at 3:00 pm EDT?

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Wednesday, October 26, 2016 12:46 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Hi John and Jenn,

Just checking with you – are we still meeting this Friday (10/28) at 3:00 pm EST? I didn't get a call in with an invite and so wanted to confirm with you.

Also – do you have a sense of whether you will be able to review and send a redline of the draft CAFO—specifically the areas we discussed during the call last week—to us before the Friday meeting?

Laura

From: Welles, Laura
Sent: Wednesday, October 19, 2016 5:12 PM
To: 'Jennifer Hartman King' <JHartmanKing@KingWilliamsLaw.com>; 'John Hempfling (CE CEN)' <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Jenn and John:

Per your request, attached is the draft CAFO in word.

I realize that the draft CAFO was sent very close to our meeting time today and so you did not have time to review the draft document—I want to thank you both for being so willing to discuss/answer some of our questions regarding Section IX (Compliance Agreement) of the draft CAFO.

Please review and redline the sections of the draft CAFO we discussed/referred to today. Let us know if you have any questions.

As you will find, the draft CAFO does not have the actual "Final Order." We will send this along to you in the coming weeks.

In the meantime, we look forward to speaking with you next Friday at 3:00 pm EST.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Welles, Laura
Sent: Wednesday, October 19, 2016 2:21 PM
To: 'Jennifer Hartman King' <JHartmanKing@KingWilliamsLaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Draft (10/18/16) CAFO re: EPA/WFM

Jenn and John:

Attached please find a rough draft of the CAFO. John Fogarty and I want to emphasize that this is rough draft and there are still sections that need to be further refined. In the interest of moving our discussion forward, we wanted to get this draft CAFO to you in time for our call this afternoon at 3:00 pm EST. We realize that you will have very little time (less than an hour) to review and so we want to point you to Section IX (page 14 - Compliance Agreement) of the CAFO. We would like to discuss this section, specifically paragraphs 59 through 63 of the CAFO during our call today.

Please let me know if you have any problems with the attachment. I had some problems scanning the document and so the pages are a bit off-centered.

Talk to you soon.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

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_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 9/26/2016 12:48:34 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Automatic reply: Whole Foods: do you have the draft bulleted list of settlement elements to share before this afternoon's meeting?

I will be out of the office until Tuesday, September 27, 2016.

Message

From: Sullivan, Greg [Sullivan.Greg@epa.gov]
Sent: 9/23/2016 4:43:23 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Fwd: EPA to Puerto Ricans: Whole Foods Customers More Important

FYI

Sent from my iPhone

Begin forwarded message:

From: "Crossland, Andy" <Crossland.Andy@epa.gov>
Date: September 23, 2016 at 7:31:09 AM EDT
To: "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Welles, Laura" <Welles.Laura@epa.gov>, "Stephanos, Ann" <Stephanos.Ann@epa.gov>
Subject: FW: EPA to Puerto Ricans: Whole Foods Customers More Important

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Barra, Michael
Sent: Thursday, September 22, 2016 3:47 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: EPA to Puerto Ricans: Whole Foods Customers More Important

FYI

Michael C. Barra
Chief
RCRA/Toxics Enforcement Branch (6RC-ER)
Office of Regional Counsel
EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202
214-665-2143
barra.michael@epa.gov

From: Payne, James
Sent: Thursday, September 22, 2016 2:43 PM
To: Harrison, Ben <Harrison.Ben@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Barra, Michael

<barra.michael@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Fwd: EPA to Puerto Ricans: Whole Foods Customers More Important

For awareness.

Jim

Sent from my iPhone

Begin forwarded message:

> **From:** "Gray, David" <gray.david@epa.gov>
> **Date:** September 22, 2016 at 2:21:52 PM CDT
> **To:** "Blevins, John" <Blevins.John@epa.gov>, "Coleman, Sam" <Coleman.Sam@epa.gov>, "Curry, Ron" <Curry.Ron@epa.gov>, "Payne, James" <payne.james@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>
> **Subject: EPA to Puerto Ricans: Whole Foods Customers More Important**

PUERTO RICO LIMPIO

EPA TO PUERTO RICANS:
WHOLE FOODS CUSTOMERS MORE IMPORTANT

Group condemns Gina McCarthy's second-class treatment of American citizens; Luxury grocery customers get immediate action while Puerto Rico is ignored

(SAN JUAN – September 22, 2016) Puerto Rico Limpio condemns the discriminatory, unequal treatment by the U.S. Environmental Protection Agency in addressing hazardous waste on the U.S. mainland versus landfills in Puerto Rico. This week, the EPA announced a multi-million settlement with Whole Foods Markets for the chain's improper disposal of "hazardous waste," yet the EPA has continued to turn a blind eye towards the ongoing operation of illegal, toxic dumps in poor minority communities across the Commonwealth of Puerto Rico.

"The EPA has a double standard and treats us like second-class citizens," said Hiram Torres Montalvo, co-founder of Puerto Rico Limpio. "Administrator McCarthy's environmental agenda is more about appeasing the rich environmental donor class than cleaning up toxic waste in communities of color."

Recently, Puerto Rico Limpio released a report, "The Poisoning of Puerto Rico," which disclosed internal EPA documents proving that the Agency has known for over a decade that the majority of Puerto Rico's municipal landfills are operating in violation of nearly all federal rules and pose an "imminent threat to human health and the environment," while the EPA stood by and did nothing.

"The median household income for Whole Foods customers is $62,314 whereas the median household income in Puerto Rico is $19,518," Torres Montalvo added. "It is unfortunate that the EPA is putting certain communities ahead of others in protecting health and the environment under federal law. It has become a troubling pattern of injustice. We saw it in Flint, Michigan, and in West Calumet, Indiana. Now we are seeing it today across Puerto Rico."

Torres Montalvo continued: "There seems to be an unspoken policy under

Administrator Gina McCarthy that certain communities get immediate attention and others have to face years or decades of health threats and toxic conditions that are prohibited under federal law."

To read the full report, "The Poisoning of Puerto Rico", and see the internal EPA documents obtained for the report, visit:
www.puertoricolimpio.org/the-poisoning-of-puerto-rico/?lang=en

To learn more about Puerto Rico Limpio, its mission and important information about dangerous, non-compliant landfills, go to: PuertoRicoLimpio.org, **Puerto Rico Limpio on** Facebook, **or follow us on Twitter:** @PRLimpioOrg.

CONTACT:
Sheila Angleró Mojica
anglero.sheila@gmail.com
(787) 387-9954

Our mailing address is:
Puerto Rico Limpio
San Juan, PR 78589

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Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 9/21/2016 9:26:09 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
CC: Sullivan, Greg [Sullivan.Greg@epa.gov]
Subject: RE: Whole Foods

I am available. Thanks.

Diana J. Saenz
Acting Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

From: Shinkman, Susan
Sent: Wednesday, September 21, 2016 4:53 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: Whole Foods

Carol Browner has suggested Tuesday at 1:30 for meeting. All available?

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 9/21/2016 9:38:25 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods

Thanks for your email and heads up re: the bulleted list. I did speak briefly with Andy this afternoon.

From: Fogarty, Johnpc
Sent: Wednesday, September 21, 2016 5:19 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods

Hey Laura - did folks catch up with you on this? One of the things that was talked about at today's general was to come up with a bulleted list of what we want to see in a national settlement (i.e., it's not just what is in the R6 settlement, but has the handhelds and other relief we'd want to see).

From: Welles, Laura
Sent: Wednesday, September 21, 2016 5:14 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Whole Foods

I'm also available.

From: Crossland, Andy
Sent: Wednesday, September 21, 2016 5:00 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Whole Foods

I am too.
-Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Fogarty, Johnpc
Sent: Wednesday, September 21, 2016 4:59 PM
To: Shinkman, Susan <Shinkman.Susan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>

Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Whole Foods

I am available.

From: Shinkman, Susan
Sent: Wednesday, September 21, 2016 4:53 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: Whole Foods

Carol Browner has suggested Tuesday at 1:30 for meeting. All available?

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

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Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 9/27/2016 9:58:32 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
Subject: Re: EPA/WFM

Works for me!

Sent from my iPhone

On Sep 27, 2016, at 5:29 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Yes – I'll respond (cc'ing you) re: POCs and correct your email address.
>
> **From:** Fogarty, Johnpc
> **Sent:** Tuesday, September 27, 2016 5:09 PM
> **To:** Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
> **Subject:** RE: EPA/WFM
>
> Looks like the extra letters were left off my name - this didn't come through to me.
>
> I think it should be me and Laura as the POCs for regular communications.
>
> Laura, can you please reply and let them know it should the two of us as the primary POCs - and also let them know of my correct email address?
>
> Thx!
>
> **From:** Crossland, Andy
> **Sent:** Tuesday, September 27, 2016 5:03 PM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
> **Subject:** Fwd: EPA/WFM
>
> John- how do you want to do communications? Shall I write back? Do you want to?
>
> -Andy
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **Resent-From:** <Crossland.Andy@epa.gov>
>> **From:** "John Hempfling (CE CEN)" <John.Hempfling@wholefoods.com>
>> **Date:** September 27, 2016 at 4:36:47 PM EDT
>> **To:** "saenz.diana@epa.gov" <saenz.diana@epa.gov>, "welles.laura@epa.gov" <welles.laura@epa.gov>, "crossland.andy@epa.gov" <crossland.andy@epa.gov>, "shinkman.susan@epa.gov" <shinkman.susan@epa.gov>, "fogarty.john@epa.gov"

<fogarty.john@epa.gov>, Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: EPA/WFM

All:

Thank you again for meeting with us today. We look forward to working with all of you to meet the goals outlined at the meeting. Jenn and I will be the primary points of contact for WFM going forward on day-to-day communications and we will loop in others as necessary. Please let us know if you would all like to be on communications going forward or if you would like to pare it down for day-to-day communications.

Andy: As I mentioned, if you would like to discuss any aspects of the information you all might want please feel free to call or email. Also, because I travel frequently for work I wanted all of you to have my cell phone number. That number is: (512) 672-9077. Jenn's is: (916) 616-4378.

Best regards,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Global Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213

Message

From: Giles-AA, Cynthia [Giles-AA.Cynthia@epa.gov]
Sent: 9/27/2016 11:57:27 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods

That's great. Thanks. Speed seemed to be very important to her.

Sent from my Windows Phone

From: Shinkman, Susan
Sent: 9/27/2016 2:47 PM
To: Giles-AA, Cynthia
Cc: Fogarty, Johnpc
Subject: Whole Foods

Cynthia,

FYI – We met with Carol Browner and others today about doing a national settlement. Indications are that it can be worked out, pretty quickly.

Susan

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

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Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 9/28/2016 12:12:01 AM
To: Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
Subject: RE: EPA/WFM

Laura:

Thank you for the quick response. We'll limit our communications to you and John unless otherwise instructed.

Best regards,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Global Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Tuesday, September 27, 2016 4:50 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: EPA/WFM

John:

It was good to meet with you earlier today regarding Whole Foods Market. John Fogarty and I will be the primary points of contact for EPA. It appears you may not have the correct email for John – his email address is Fogarty.Johnpc@epa.gov.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, September 27, 2016 4:37 PM
To: Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; fogarty.john@epa.gov; Jennifer Hartman

King <jhartmanking@kingwilliamslaw.com>
Subject: EPA/WFM

All:

Thank you again for meeting with us today. We look forward to working with all of you to meet the goals outlined at the meeting. Jenn and I will be the primary points of contact for WFM going forward on day-to-day communications and we will loop in others as necessary. Please let us know if you would all like to be on communications going forward or if you would like to pare it down for day-to-day communications.

Andy: As I mentioned, if you would like to discuss any aspects of the information you all might want please feel free to call or email. Also, because I travel frequently for work I wanted all of you to have my cell phone number. That number is: (512) 672-9077. Jenn's is: (916) 616-4378.

Best regards,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Global Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 10/19/2016 2:12:13 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: FYI re Larry general today - it was scheduled on top of a call we have with Whole Foods (from 3-4), so I will likely miss the general, or at least be late

Okay. Thanks for letting me know.

Rosemarie

From: Fogarty, Johnpc
Sent: Wednesday, October 19, 2016 10:11 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FYI re Larry general today - it was scheduled on top of a call we have with Whole Foods (from 3-4), so I will likely miss the general, or at least be late

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 10/7/2016 6:23:49 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Automatic reply: WF audit - round 2

I will be out of the office until Tuesday, October 11, 2016.

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 9/27/2016 2:05:06 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]
Subject: FW: Retail- Whole Foods RCRA Enforcement

Inside EPA story on Whole Foods...

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Seltzer, Mark
Sent: Tuesday, September 27, 2016 8:56 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Retail- Whole Foods RCRA Enforcement

Wanted to send your way as well. When I was in the RCRA program office, I worked on retail RCRA generator issues.
-m

From: Seltzer, Mark
Sent: Tuesday, September 27, 2016 8:54 AM
To: Oleary, Jim <OLeary.Jim@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>; Fitzgerald, Kristin <Fitzgerald.Kristin@epa.gov>
Subject: Retail- Whole Foods RCRA Enforcement

Jim, Jessica, Kristen—

I saw this retail settlement (including a 500k SEP) with whole Foods and, thought of you.. I assume you have been tracking this? I just saw it in Inside EPA. Hope you are all well.

See you soon.

-Mark

http://insideepa.com/daily-news/epa-settlement-may-spur-model-waste-tracking-system-retail-industry

Daily News

EPA Settlement May Spur Model Waste Tracking System For Retail Industry

September 26, 2016

A recent settlement between EPA Region 6 and the grocery store chain Whole Foods, Inc. that requires the company to create a tracking system for retail products that may become hazardous waste could prompt others in the sector to adopt a similar tracking system, according to EPA.

The agreement, announced by EPA Sept. 20, settles Resource Conservation & Recovery Act (RCRA) violations discovered at Whole Foods facilities in Texas, Arkansas, Louisiana, New Mexico and Oklahoma after a year-long investigation. EPA found that the company improperly identified and mishandled hazardous waste at its facilities in the five states, including violating universal waste requirements and having inadequate records for hazardous waste determinations.

For instance, the company mishandled spent lamps, a universal hazardous waste. Under EPA's universal waste regulations, hazardous waste management standards are streamlined for certain commonly generated categories of hazardous waste, according to EPA's website.

The case arose as EPA is attempting to address concerns by the retail industry over the ill fit between federal waste rules, which were developed for the manufacturing sector, and retail waste, which can arise from customer returns and expired products. EPA for instance recently released a strategy to build on regulatory initiatives already underway to address retailers' concerns over RCRA's application, with plans to expand universal waste rules and develop policy on the reverse distribution process used in the sector.

Under the settlement, Whole Foods will correct the violations at its facilities in Region 6 and pay penalties totaling more than $3.5 million, EPA Region 6 says in a Sept. 20 press release. The company must implement standard operating procedures for each facility to ensure it is operating in compliance with RCRA hazardous waste requirements, the consent agreement says. In a statement, Whole Foods Global Vice President of Communications Brooke Buchanan says the company is extending the compliance program to all of its U.S. stores.

The company has also agreed to attempt to establish an electronic hazardous waste tracking system that EPA is eyeing as a potential industry-wide model.

Region 6 Administrator Ron Curry says in the Sept. 20 press release that Whole Foods is correcting its violations and will ensure continuing compliance with environmental regulations, and "will also look into launching an innovative hazardous waste tracking system that we hope becomes the industry standard."

Improved Compliance

An EPA Region 6 spokesperson adds in an email response, "As part of our RCRA program, we see an opportunity to improve compliance within 'big box' stores and electronic tracking appears to be a good opportunity to better manage hazardous materials."

Whole Foods' Buchanan says the company plans to enhance information technology systems "to identify products that become hazardous waste in real time, so they may be tracked, managed and catalogued properly."

Under the settlement, Whole Foods has 18 months to implement an electronic hazardous waste identification system, which would involve loading information on all of the company's products that if discarded by Whole

Foods would be considered hazardous waste under RCRA and its implementing regulations. The system would "identify and classify all Whole Foods' solid waste streams," the consent agreement says.

At the same time, the agreement says that if Whole Foods finds, in the 18-month time period, "that despite its best efforts to implement the electronic hazardous waste identification system . . . , the efforts were futile and the system would be impractical," then the company within 30 days must submit a report to EPA detailing its attempt and its rationale for concluding the system is unworkable.

Under the settlement, the company has also agreed to fund a supplemental environmental project (SEP) worth $500,000. The SEP aims to promote hazardous waste compliance in the retail industry, particularly among small retailers in Texas to educate them about applying hazardous waste laws to their operations, according to the agreement. Whole Foods will finance, develop and host a series of compliance promotion activities -- specifically compliance trainings such as workshops and webinars over a three-year period, it says.

'Substantial' SEP

The value of the SEP "will be substantial, as there are little to no compliance promotion materials available that specifically target the retail industry," the agreement says. "Increasing the retail sector's knowledge of the regulatory requirements that apply to the industry will, in turn, reduce the instances in which hazardous wastes are improperly managed and disposed of by the retail industry."

Buchanan in the statement says the company takes its "environmental stewardship extremely seriously. By working in partnership with the EPA, we were able to resolve the issues in the five states, enhance our existing environmental management program and extend the rollout of those improved best practices across the company." -- *Suzanne Yohannan* (syohannan@iwpnews.com)

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194960

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 10/18/2016 1:38:10 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Anna Brown has invited you to collaborate on Box

Yes but haven't had a chance to look at it/try to access yet.

From: Welles, Laura
Sent: Tuesday, October 18, 2016 8:56 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: Anna Brown has invited you to collaborate on Box

Did you get this invite?

From: noreply@box.com [mailto:noreply@box.com]
Sent: Monday, October 17, 2016 6:58 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Anna Brown has invited you to collaborate on Box

AB **Anna Brown** has invited you to collaborate on a folder:

"Hello, I want to share my folder, "WFM Documents", on Box." – Anna Brown

WFM Documents
Collaborated Folder

Accept Invite

Get our app to view this on mobile

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Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 10/27/2016 9:53:28 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM
Show Time As: Busy

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/28/2016 7:04:50 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods

Ok. Also cleared our little plan w/Diana and Andy, so we're all good.

From: Welles, Laura
Sent: Wednesday, September 28, 2016 3:03 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Whole Foods

Yep – all good. I'll let you know anything that may be helpful.

From: Fogarty, Johnpc
Sent: Wednesday, September 28, 2016 3:01 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods

I think you can/should handle this directly, w/o me (unless you think otherwise/want me there). Ok?

-----Original Appointment-----
From: Welles, Laura
Sent: Wednesday, September 28, 2016 1:47 PM
To: Moncrieffe, Marcia; Crossland, Andy
Cc: Saenz, Diana; Fogarty, Johnpc
Subject: Whole Foods
When: Monday, October 03, 2016 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Andy's office or Call in # 855-564-1700; Ext. 1107988; Participant code: 234567

Hi Marcia,

I realize you'll just be back in the office, but we wanted to touch base with you sooner rather than later re: Whole Foods.

Let me know if you have any questions.

Thanks,
Laura

Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 11/1/2016 7:01:33 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM

Recurrence: (none)

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/30/2016 4:03:00 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: EPA releases strategy for addressing the retail sector under RCRA

So I think that what we are doing is advancing what's described here. If their "outreach" SEP included making the database/software available to small-to-mid-size grocery chains (not just "education"), then it would fill a gap noted in the "observations" section (3rd and 5th bullets), and goes directly to one of the 4 elements of the policy (ensuring that "the reverse distribution process results in appropriate management" of products as waste). I would see that as a more valuable SEP, even though I am generally not a fan of the "outreach/education" category of SEPs.

From: Welles, Laura
Sent: Friday, September 30, 2016 11:34 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: EPA releases strategy for addressing the retail sector under RCRA

FYI – not sure whether you've seen this strategy, etc.

From: Crossland, Andy
Sent: Friday, September 23, 2016 12:54 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: EPA releases strategy for addressing the retail sector under RCRA

L-

I don't think this impacts us on WF really (reading it now), but thought it should be on your radar…

-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Young, Jessica
Sent: Tuesday, September 13, 2016 3:58 PM
Subject: EPA releases strategy for addressing the retail sector under RCRA

Hello all,

I'm excited to announce that on September 12, 2016, EPA published a Retail Strategy to address hazardous waste management challenges faced by the retail sector under the federal Resource Conservation and Recovery Act. Hazardous waste management regulations, many of which were developed more than 35 years ago with industrial and manufacturing settings in mind, can pose compliance challenges for the retail sector. This strategy lays out a

cohesive and effective plan to address these unique challenges while reducing burden and protecting human health and the environment.

To read the strategy and for more information, visit: https://www.epa.gov/hwgenerators/hazardous-waste-management-and-retail-sector

We look forward to working with you and our other partners throughout implementation of this strategy. Feel free to contact Drew Lausch at 703-603-0721 or lausch.robert@epa.gov or me at 703-308-0026 or young.jessica@epa.gov if you have any questions or wish to discuss.

Thanks,
Jessica

_____

Jessica Young
Chief of Recycling and Generator Branch
Office of Resource Conservation and Recovery
Phone: 703-308-0026 Blackberry: 571-721-9460

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 10/19/2016 10:19:30 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
CC: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Hey folks - something I should have mentioned on the call: one of the things that we would like to see come out of our collaboration on this is to be able to publicly point to our agreement and say "this is what an environmentally conscious and responsible company does - and others should adopt this kind of program as well." So when you go through the compliance section to flag items that raise company confidential concerns that would instead be moved to a non-public/CBI appendix, I would ask to try to balance those confidentiality concerns against making sure that there's a sufficient level of specificity in the public portion of the agreement, so that it's clear what the key elements of the program are. (Goes hand-in-hand with the paragraphs already included on the positive steps that are already being undertaken - underscores the "environmental stewardship" message that we want to give WFM credit for.)

Thx!

-----Original Message-----
From: Welles, Laura
Sent: Wednesday, October 19, 2016 5:12 PM
To: Jennifer Hartman King <JHartmanKing@KIngWilliamsLaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft (10/18/16) CAFO re: EPA/WFM

Jenn and John:

Per your request, attached is the draft CAFO in word.

I realize that the draft CAFO was sent very close to our meeting time today and so you did not have time to review the draft document—I want to thank you both for being so willing to discuss/answer some of our questions regarding Section IX (Compliance Agreement) of the draft CAFO.

Please review and redline the sections of the draft CAFO we discussed/referred to today. Let us know if you have any questions.

As you will find, the draft CAFO does not have the actual “Final Order.” We will send this along to you in the coming weeks.

In the meantime, we look forward to speaking with you next Friday at 3:00 pm EST.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Welles, Laura
Sent: Wednesday, October 19, 2016 2:21 PM
To: 'Jennifer Hartman King' <JHartmanKing@KIngWilliamsLaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Draft (10/18/16) CAFO re: EPA/WFM

Jenn and John:

Attached please find a rough draft of the CAFO. John Fogarty and I want to emphasize that this is rough draft and there are still sections that need to be further refined. In the interest of moving our discussion forward, we wanted to get this draft CAFO to you in time for our call this afternoon at 3:00 pm EST. We realize that you will have very little time (less than an hour) to review and so we want to point you to Section IX (page 14 - Compliance Agreement) of the CAFO. We would like to discuss this section, specifically paragraphs 59 through 63 of the CAFO during our call today.

Please let me know if you have any problems with the attachment. I had some problems scanning the document and so the pages are a bit off-centered.

Talk to you soon.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/26/2016 9:01:57 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: RE: Whole Foods Market's press release

Pretty benign, but it sure does suggest that they're doing the full monty on the electronic system (w/o being specific).

From: Saenz, Diana
Sent: Monday, September 26, 2016 4:56 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: Whole Foods Market's press release

FYI -- Attached is a link to Whole Foods Market's press release on the R6 settlement--

http://media.wholefoodsmarket.com/news/statement-by-gvp-brooke-buchanan-regarding-recent-epa-decision

From their press release, they indicate "investment in enhanced IT systems to identify products that become hazardous waste"

Whole Foods Market's environmental compliance measures include:

- Updated environmental compliance standards and operating procedures for stores and facilities
- Enhanced training programs for Team Members
- Investments in enhanced IT systems to identify products that become hazardous waste in real time, so they may be tracked, managed and catalogued properly
- Retention of additional internal and external environmental compliance experts for program and compliance

Diana J. Saenz
Acting Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/26/2016 12:53:31 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: Whole Foods: do you have the draft bulleted list of settlement elements to share before this afternoon's meeting?

I don't mind seeing a rough version - just looking to help start to shape the thinking.

-----Original Message-----
From: Crossland, Andy
Sent: Monday, September 26, 2016 8:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods: do you have the draft bulleted list of settlement elements to share before this afternoon's meeting?

I do... Diana had wanted to weigh in and I did not hear back from her. Gimme an hour or so and I'll get it to you with or without...

-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

-----Original Message-----
From: Fogarty, Johnpc
Sent: Monday, September 26, 2016 8:49 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: Whole Foods: do you have the draft bulleted list of settlement elements to share before this afternoon's meeting?

Thx!

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/17/2017 5:42:35 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: Teleconference Re: EPA CAFO/SEP, at 11:00 A.M. (PST) [WARNING: DKIM validation failed]
Attachments: Re: EPA CAFO/SEP
Location: Toll Free Dial-in Number:1-888-325-3989, Participant Code: 836031

Start: 1/17/2017 7:00:00 PM
End: 1/17/2017 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

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Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/20/2016 3:29:39 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]

Subject: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM
Show Time As: Busy

Recurrence: (none)

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Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/8/2016 8:00:43 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM
Show Time As: Busy

Recurrence: (none)

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Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/2/2016 7:32:34 AM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/8/2016 7:00:00 PM
End: 12/8/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

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Appointment

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/1/2016 10:23:19 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: WF - SEP

Start: 12/2/2016 2:00:00 PM
End: 12/2/2016 5:00:00 PM
Show Time As: Busy

Message

From: Senn, John [Senn.John@epa.gov]
Sent: 4/7/2017 3:45:07 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Automatic reply: Whole Foods final order -- posted on EAB website

I am out of the office until Monday, April 10 and will have limited access to email until I return. Please contact Brian Ng at ng.brian@epa.gov if you need immediate assitance.

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 4/7/2017 2:16:33 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods final order -- posted on EAB website

Working on it now...

From: Fogarty, Johnpc
Sent: Friday, April 07, 2017 10:16 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods final order -- posted on EAB website

I assume you let John and Jenn know already?

From: Welles, Laura
Sent: Friday, April 07, 2017 10:14 AM
To: Ng, Brian <Ng.Brian@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Senn, John <Senn.John@epa.gov>
Subject: Whole Foods final order -- posted on EAB website

Here's the link:

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 3/8/2017 4:36:06 PM
To: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: Re: EPA/WFM

Hi John, thank you for your note. Let's go with 2pm on Monday. I will send a group invitation later today with the conference call particulars. Thanks very much all, Michelle

---

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Wednesday, March 8, 2017 11:28 AM
To: Wenisch, Michelle; Jennifer Hartman King; Fogarty, Johnpc; Welles, Laura
Subject: EPA/WFM

Hi Michelle:

I just left you a voicemail and figured I could shoot out an email with all parties to make scheduling the call easier. Jenn and I cannot do tomorrow, but we are both available at any of the suggested times on Monday, March 13. My understanding is that the suggested times are:

1. 12:00-1:00pm EST;
2. 2:00-3:00 pm EST; and
3. 3:30-5:00pm EST

Please let us know which time works best for everyone else and we will make ourselves available.

Best,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 4/6/2017 8:10:58 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: john.Hempfling@wholefoods.com; Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Thank you very much, John.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Thursday, April 06, 2017 1:02 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Cc: john.Hempfling@wholefoods.com; Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Hi Jennifer - Susan Shinkman had an incorrect address for you on her email to the EAB, so I am forwarding it to you. Thx!

From: Shinkman, Susan
Sent: Thursday, April 06, 2017 3:37 PM
To: Durr, Eurika <Durr.Eurika@epa.gov>
Cc: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; john.Hempfling@wholefoods.com; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Dear Ms. Durr:

Per the Environmental Appeals Board's request, this email serves as written confirmation that EPA continues to support the terms of settlement in the Whole Foods Market consent agreement and that I, as the Director of the Office of Civil Enforcement, likewise continue to be authorized to approve and submit the Whole Foods Market consent agreement and proposed final order to the Board for ratification pursuant to 40 C.F.R. § 22.18(b).

Please let me or my staff know if you have any questions concerning this matter.

Sincerely,
Susan

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

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Message

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 4/6/2017 7:37:02 PM
To: Durr, Eurika [Durr.Eurika@epa.gov]
CC: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; john.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Dear Ms. Durr:

Per the Environmental Appeals Board's request, this email serves as written confirmation that EPA continues to support the terms of settlement in the Whole Foods Market consent agreement and that I, as the Director of the Office of Civil Enforcement, likewise continue to be authorized to approve and submit the Whole Foods Market consent agreement and proposed final order to the Board for ratification pursuant to 40 C.F.R. § 22.18(b).

Please let me or my staff know if you have any questions concerning this matter.

Sincerely,
Susan

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 2/7/2017 2:51:45 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Jonesi, Gary [Jonesi.Gary@epa.gov]
Subject: WFM

Just as an FYI – windows of time that I gave Michelle Wenisch based on your schedules =

2/7 (today) – 3 to 4:30

2/8 (Wed.) – 1 to 2 or 3:30 to 5

2/9 (Thurs.) – 3 to 5

Michelle is going to get in touch with John and Jennifer to see if any of these windows of time work for them.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 4/5/2017 12:27:39 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
Subject: Re: Whole Foods CAFO

Thank you, John. Appreciate it very much. Best, Michelle

From: Fogarty, Johnpc
Sent: Wednesday, April 5, 2017 8:23 AM
To: Wenisch, Michelle; Welles, Laura; John Hempfling (CE CEN); Jennifer Hartman King
Subject: RE: Whole Foods CAFO

Thanks, Michele. As I mentioned on our call, we will try to get this by Thursday, if possible. Will let you know.

From: Wenisch, Michelle
Sent: Tuesday, April 04, 2017 3:49 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods CAFO

Thank you all very much for participating in this afternoon's call.

As promised, I would like to confirm in writing that what the Environmental Appeals Board is looking for at this juncture is a supplemental memorandum or e-mail from the Office of Civil Enforcement Director to the Clerk of the Board, with copies to Whole Foods counsel and me, that can be included as part of the record in this case. The memo or e-mail would state that the OCE Director is authorized to approve and submit the Whole Foods CAFO to the Board for ratification pursuant to 40 C.F.R. 22.18(b).

The Board requests that the supplemental memo or e-mail be transmitted no later than this Thursday, April 6, 2017. If OECA needs a little more time to complete this task, please let me know that by that same date.

Best regards,
Michelle Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
(202) 233-0120

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 2/16/2017 10:41:36 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods

Yes – feet of snow, sun, and tall mountains!

From: Fogarty, Johnpc
Sent: Thursday, February 16, 2017 5:29 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods

Yep, except for Friday. Are you going somewhere that has, you know, actual winter - with snow?

From: Welles, Laura
Sent: Thursday, February 16, 2017 4:45 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Whole Foods

Just as an FYI – I'll be away on vacation next week. Will you be in the office in case EAB has additional questions, etc.?

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 1/25/2017 5:30:42 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: EPA/Whole Foods Market Consent Agreement

Thanks, Laura.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Wednesday, January 25, 2017 11:08 AM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market Consent Agreement

Hi John,

It's my understanding that it could take anywhere from 3 to 4 weeks.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Wednesday, January 25, 2017 9:04 AM
To: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market Consent Agreement

Laura:

Thanks for sending this. Any idea what the general timeline is for EAB approval?

Thanks,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Tuesday, January 24, 2017 3:43 PM
To: Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market Consent Agreement

The supplemental filing that included the consent agreement with CBI appendices was submitted to the EAB this afternoon. Copies of all submittals were sent to both you and John today via certified mail, return receipt requested.

Attached is a copy of the executed consent agreement.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, January 24, 2017 3:52 PM
To: Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market Consent Agreement

Thank you very much, Laura. We look forward to receiving the service copies, and any additional updates you might have to pass along.

My best,
Jennifer

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
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Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Monday, January 23, 2017 3:23 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: EPA/Whole Foods Market Consent Agreement

Hi Jennifer and John,

This is a quick email to let you know that we submitted the consent agreement with non-CBI appendices (along with EAB memo and proposed final order with certificate of service) to the EAB today. I will supplement the filing tomorrow with the CBI appendices.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

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Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/24/2017 10:01:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: EPA/Whole Foods Market Consent Agreement

Wonderful. Thank you very much.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
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Click Here for King Williams LLP News and Alerts

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Tuesday, January 24, 2017 1:43 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
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Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

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Sent: Tuesday, January 24, 2017 3:52 PM
To: Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market Consent Agreement

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My best,
Jennifer

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

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Subject: EPA/Whole Foods Market Consent Agreement

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Thanks,
Laura

Laura Welles
Attorney Advisor

Waste and Chemical Enforcement Division
Office of Civil Enforcement
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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 3/31/2017 8:10:49 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Subject: Whole Foods CAFO -- follow up to today's conference call
Attachments: SEPs and Mitigation - 2017.docx; US_Steel_Consent_Decree_.pdf; US_Steel_Opinion_and_Order_by_Judge_Simon_granting_US_motion_to_enter_CD.pdf

Dear Michelle:

Per our discussion this afternoon, attached please find a list of civil judicial cases entered this year with SEPs or mitigation, as well as a list of administrative cases with SEPs approved in 2017. Also attached is the U.S. v. U.S. Steel consent decree, along with the opinion and order approving the motion to enter the consent decree. As John Fogarty explained during our call, the U.S. Steel settlement includes a SEP that is similar to the SEP in the EPA/Whole Foods Market consent agreement (see Appendix A, page 75 of the consent decree).

Hopefully the attached documents address/resolve the issues we've been discussing and so there may not be a need for Tuesday's conference call.

Please let me or John know if you have any questions.

I hope you have a good weekend.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Civil judicial cases entered this year w/SEPs or mitigation:

US v. US Steel, lodged 11/11/16, motion to enter filed 3/24/17, entered 3/30/17 (Docket No. 2:12-CV-304-PPS-APR, N.D. Ind.).

US v Volkswagen (3rd partial settlement), lodged 1/11/17, motion to enter filed 3/24/17 (Docket No. 3:15-md-02672-CRB, N.D. Cal.).

US v Slawson Energy, lodged 12/1/16, entered 2/7/16 (1:16-cv-00413-CSM, D.N.D.)

Admin cases with SEPs:

Ingredion Inc., # CWA-05-2017-0003. Approved 2/7.

Village of Pender, # CWA-07-2017-0004. Approved 3/13.

Akzo Nobel, # CAA-05-2017-0012. Approved 2/17.

Textron Aviation, # RCRA-05-2017-0006. Approved 2/7.

Allnex USA, # CAA-05-2017-0008. Approved 1/31.

Great Bay Marine, Inc., # CWA-01-2016-0066. Approved 1/23.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA, STATE OF INDIANA, MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, and STATE OF ILLINOIS, Plaintiffs, v. UNITED STATES STEEL CORPORATION, Defendant.	Case No. 2:12-cv-304 Judge Philip Simon Magistrate Judge Andrew P. Rodovich

CONSENT DECREE

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WHEREAS, the United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), the State of Indiana ("Indiana"), on behalf of the Indiana Department of Environmental Management ("IDEM"), the Michigan Department of Environmental Quality ("MDEQ"), and the State of Illinois ("Illinois"), on behalf of the Illinois Environmental Protection Agency ("Illinois EPA") (collectively, "Plaintiffs"), filed a Complaint on August 1, 2012 in this action pursuant to Sections 113(b), 167 and 304(a)(1) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. §§ 7413(b), 7477 and 7604(a)(1), and pursuant to the laws of Indiana, Michigan, and Illinois, alleging in relevant part that Defendant United States Steel Corporation ("U. S. Steel" or "Defendant") violated: (1) the National Emission Standards for Hazardous Air Pollutants ("NESHAP") provisions of the Act, 42 U.S.C. § 7412, and the NESHAP regulations codified at 40 C.F.R. Part 61, Subpart L, 40 C.F.R. Part 63, and 40 C.F.R. Part 63, Subpart FFFFF; (2) the Prevention of Significant Deterioration ("PSD") provisions of the CAA, 42 U.S.C. §§ 7470-92, and the federal PSD regulations set forth at 40 C.F.R. § 52.21; (3) the Non-Attainment New Source Review ("NA NSR") provisions of the CAA, 42 U.S.C. §§ 7501-15 and the implementing federal regulations codified at 40 C.F.R. §§ 52.24, 51.165 and Part 51, Appendix S; (4) the provisions of the federally-enforceable state implementation plans ("SIPs") for Indiana, Michigan and Illinois that incorporate the relevant requirements of the NESHAP, PSD, and/or NA NSR; (5) the provisions of the federally-enforceable state implementation plans ("SIPs") for Indiana, Michigan, and Illinois that incorporate the relevant requirements of the NESHAP; (6) CAA Title V, 42 U.S.C. §§ 7661–7661f and the implementing regulations for CAA Title V set forth at 40 C.F.R. Parts 70 and 71; (7) the Indiana Title V Clean Air Act Permit Program, 326 Indiana Administrative Code ("IAC") 2-7; (8) the Michigan Renewable Operating Permit Program, Michigan Administrative Code, R 336.1201 through 1218; (9) the Illinois Title V Clean

Air Act Permit Program (the "CAAPP"), 415 Illinois Compiled Statutes ("ILCS") 5/39.5; (10) U. S. Steel's Title V operating permits: Michigan Title V permit No. 199600132d, Indiana Title V permit T089-7663-00121, and Illinois Title V permit No. 96030056; and (11) U. S. Steel's Illinois operating permits Nos. 80070016, 95010001, 80050010, 82060043, 85030039.

WHEREAS, the Complaint alleges that the violations described above occurred at the following iron and steel making facilities that at all times relevant to this Complaint have been owned and operated by U. S. Steel: the iron and steel making facility located at One North Broadway in Gary, Lake County, Indiana (the "Gary Works Facility"); the iron and steel making facility located at No. 1 Quality Drive in Ecorse, Wayne County, Michigan (the "Great Lakes Works Facility"); and the iron and steel making facility located at 20th and State Street in Granite City, Madison County, Illinois (the "Granite City Works Facility").

WHEREAS, Plaintiffs' claims alleging violations of: (1) the PSD provisions of the CAA, 42 U.S.C. §§ 7470-96, and the federal PSD regulations set forth at 40 C.F.R. § 52.21; (2) the NA NSR provisions of the CAA, 42 U.S.C. §§ 7501-15 and the implementing federal regulations codified at 40 C.F.R. §§ 52.24, 51.165 and Part 51, Appendix S; and (3) CAA Title V, 42 U.S.C. §§ 7661–7661f, the implementing regulations for CAA Title V set forth at 40 C.F.R. Parts 70 and 71, and the provisions of the federally-enforceable state implementation plan ("SIP") for Indiana that incorporate relevant requirements of PSD and/or NA NSR, were dismissed pursuant to Orders entered by this Court on August 21, 2013 and April 18, 2014 (Docket Nos. 54 and 89, respectively).

WHEREAS, no injunctive relief is necessary to resolve Illinois state-only claims (Claim Nos. 9, 10, 13, 14, 15, 16) regarding the Granite City Works Facility coke plant inasmuch as U. S.

Steel permanently shut down Batteries A and B and associated operations for business and economic reasons in March 2015.

WHEREAS, no injunctive relief is necessary to resolve claims for Nos. 2, 5 and 7 Coke Oven Batteries at the Gary Works Facility inasmuch as U. S. Steel permanently shut down those batteries for business and economic reasons in March 2015, October 2013 and December 2013, respectively.

WHEREAS, U. S. Steel has denied and continues to deny the violations alleged in this matter; maintains that it is not liable for civil penalties or injunctive relief; and states that it is agreeing to the obligations imposed by this Consent Decree solely to settle disputed claims without incurring the time and expense of contested litigation; and

WHEREAS, the Parties recognize, and the Court by entering this Decree finds, that the Parties negotiated this Consent Decree in good faith, that the Consent Decree will avoid prolonged and complex litigation among the parties, and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I, and with the consent of the Parties,

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and 1367, and Sections 113(b) and 304(a)(1) of the Act, 42 U.S.C. §§ 7413(b) and 7604(a)(1), and over the Parties. Venue lies in this District pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and (c) and 1395(a), because the

violations alleged in the Complaint are alleged to have occurred in this judicial district, as well as the Southern District of Illinois and the Eastern District of Michigan.

2. U. S. Steel consents to this Court's jurisdiction over this Consent Decree and any action to enforce this Consent Decree, and to venue in this judicial district. For purposes of this Consent Decree, U. S. Steel agrees that the Complaint states claims upon which relief may be granted pursuant to Section 113 of the Act, 42 U.S.C. § 7413.

II. APPLICABILITY

3. The obligations of this Consent Decree apply to and are binding upon the United States, the State of Indiana, the State of Illinois, the Michigan Department of Environmental Quality, and U. S. Steel, and their officers, employees, agents, successors, assigns, and other entities or persons otherwise bound by law. Any change in ownership, corporate status, or other legal status of U. S. Steel shall in no way alter U. S. Steel's responsibilities under this Consent Decree.

4. U. S. Steel shall condition any transfer, in whole or in part, of ownership of, operation of, or other interest (exclusive of any non-controlling, non-operational shareholder interest) in the Gary Works Facility, Great Lakes Works Facility, or Granite City Works Facility upon the execution by the transferee of a modification to this Consent Decree, which makes the terms and conditions of the Consent Decree that apply to the respective Facility applicable to the transferee. In the event of such transfer, U. S. Steel shall notify the United States and, in the case of the Gary Works Facility, the State of Indiana, in the case of the Great Lakes Works Facility, the Michigan Department of Environmental Quality, and, in the case of the Granite City Works Facility, the State of Illinois. By no later than 30 Days after such notice, U. S. Steel may file a motion to modify this Consent Decree with the Court to make the terms and conditions of the Consent Decree applicable to the transferee. U. S. Steel shall be released from the obligations and

liabilities of this Consent Decree with respect to the transferred Facility unless the United States, in consultation with the affected State or State agency, opposes the motion and the Court finds the transferee does not have the financial and technical ability to assume the obligations and liabilities under the Consent Decree.

5. U. S. Steel shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties include compliance with any provision of this Consent Decree, as well as to any contractor(s) retained to perform work required under this Consent Decree. U. S. Steel shall condition any contract upon performance of the work in conformity with the terms of this Consent Decree.

III. DEFINITIONS

6. Terms used in this Consent Decree that are defined in the Act or in federal and state regulations promulgated pursuant to the Act shall have the meaning assigned to them in the Act or such regulations, unless otherwise provided in this Consent Decree. Whenever the terms set forth below are used in this Consent Decree, including attached appendices, the following definitions shall apply:

a. "Basic Oxygen Process Furnace (BOPF or BOF)" shall mean a refractory-lined vessel in which high-purity oxygen is blown under pressure through a bath of molten iron, scrap metal, and fluxes to produce steel. This definition includes both top and bottom blown furnaces, but does not include argon oxygen decarburization furnaces. *See* 40 C.F.R. § 63.7852.

b. "BOP Shop" means the place where steel making operations occur, beginning with the transfer of molten iron (hot metal) from the torpedo car and ending just prior to casting the molten steel, including hot metal transfer, desulfurization, slag skimming, refining in a basic oxygen process furnace, and ladle metallurgy. *See* 40 C.F.R. § 63.7852.

c. "BOP Shop Roof Monitor" means the openings along the length of the Great Lakes Works No. 2 BOP Shop roof.

d. "BOPF Baghouse" means the fabric filter for the control of particulate emissions from charging and tapping, constructed and installed at the Granite City Works.

e. "BOPF Baghouse System" means the control system for the control of particulate emissions from charging and tapping, including the capture hoods, ductwork and the BOPF Baghouse, installed at the Granite City Works.

f. "Consent Decree" or "Decree" means this Consent Decree, any modification, and any attachments, or appendices, which are incorporated into the Consent Decree.

g. "Date of Lodging" means the date on which this Consent Decree is filed for lodging with the Clerk of the Court for the Northern District of Indiana.

h. "Day" means a calendar day unless expressly stated to be a business day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.

i. "Defendant" or "U. S. Steel" means United States Steel Corporation.

j. "Effective Date" means the date of entry of this Consent Decree by the Court, after satisfaction of the public notice and comment procedures set forth in Section XXII (Public Participation) of this Consent Decree and 28 C.F.R. § 50.7: (1) as recorded on the Court docket or; (2) if the Court instead issues an order approving this Consent Decree, the date such order is recorded on the Court docket.

k. "EPA" means the United States Environmental Protection Agency.

l. "Exceedance" means a reading in excess of an applicable opacity or emission limitation.

m. "Gary Works Facility" means the iron and steel making facility located at One North Broadway in Gary, Lake County, Indiana.

n. "Gary Works Title V Permit" means the permit originally issued by IDEM on August 18, 2006 as T089-7663-00121, renewed on December 20, 2013 as T089-29907-00121, and any extensions, modifications, amendments, or renewals thereof, when effective.

o. "Granite City Works Facility" means the iron and steel making facility located at 20th and State Street in Granite City, Madison County, Illinois.

p. "Granite City Works' Title V Permit" means the CAAPP permit issued by the Illinois EPA pursuant to Section 39.5 of the Illinois Environmental Protection Act and last revised March 4, 2013, and any extensions, modifications, amendments, or renewals thereof, when effective.

q. "Great Lakes Works Facility" means the iron and steel making facility located at No. 1 Quality Drive in Ecorse, Wayne County, Michigan.

r. "Great Lakes Works Title V Permit" means Renewable Operating Permit Number 199600132d issued by MDEQ on March 1, 2005, and last revised March 6, 2007, and any extensions, modifications, amendments, or renewals thereof, when effective.

s. "Idle" or "Idled" means the cessation of production at any of the blast furnaces at the Gary Works Facility, the Granite City Works Facility, and/or the Great Lakes Works Facility or any of the BOP Shops at the Granite City Works Facility and/or the Great Lakes Works Facility for a period of 30 days or more, excluding periods for planned maintenance and planned upgrades.

t. "Illinois" means the State of Illinois, acting on behalf of the Illinois EPA.

u. "Illinois EPA" means the Illinois Environmental Protection Agency and any successor agency.

v. "Indiana" means the State of Indiana, acting on behalf of Indiana Department of Environmental Management.

w. "IDEM" means the Indiana Department of Environmental Management and any successor agency.

x. "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and/or monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, an emission limitation in this Consent Decree to be exceeded. Failures that are caused in part or in whole by poor maintenance or by careless operation are not malfunctions.

y. "MDEQ" means the Michigan Department of Environmental Quality and any successor agency.

z. "Paragraph" means a portion of this Consent Decree identified by an Arabic numeral.

aa. "Parties" means the United States of America, the State of Indiana, the State of Illinois, Michigan Department of Environmental Quality, and U. S. Steel.

bb. "Plaintiffs" means the United States of America, the State of Indiana, the State of Illinois, and the Michigan Department of Environmental Quality.

cc. "PM" means particulate matter.

dd. "Section" means a portion of this Consent Decree identified by a Roman numeral.

ee. "Steel Production Cycle" means the operations conducted within the basic oxygen process furnace shop that are required to produce each batch of steel, including scrap charging, preheating, hot metal charging, primary oxygen blowing, sampling (vessel turndown and turnup), additional oxygen blowing, tapping, and deslagging. The steel production cycle begins when the scrap is charged to the furnace and ends three minutes after the slag is emptied from the vessel into the slag pot.

ff. "Subparagraph" means a portion of this Consent Decree identified by a lower-case letter or lower-case Roman numeral.

gg. "United States" means the United States of America, acting on behalf of EPA.

hh. "U. S. Steel" means United States Steel Corporation.

IV. BACKGROUND

7. Pre-Settlement Remedial Measures, Other Actions and State Violation Notices at Granite City Works

a. U. S. Steel has completed the following activities at the blast furnaces and BOP Shop:

i. In late 2008, U. S. Steel installed additional sheeting above the taphole area of B Furnace at the Granite City Works Facility that reduces emissions escaping the casthouse and will be included in its updated Iron and Steel MACT Operations and Maintenance Plan. A description of the sheeting will be included in the Operations and Maintenance Plan and a photograph of that sheeting will be maintained at the facility separately from the Operations and Maintenance Plan.

ii. From 2008 to 2011, U. S. Steel completed repairs to the Granite City Works Facility's BOP Shop Electro-Static Precipitators (ESPs) including rebuilds of ESPs and

related ductwork to reduce air infiltration and increased capture efficiency of the hoods at the BOP Shop. On March 24, 2011, U. S. Steel submitted a compliance report and certification detailing the compliance demonstration which consisted of EPA Method 9 readings conducted for three one-hour periods per day, two days per week for four weeks.

iii. U. S. Steel has installed a secondary baghouse for controlling particulate emissions from charging and tapping at the Granite City Works Facility BOP Shop.

iv. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Seventeenth Claim for Relief in the Complaint. U. S. Steel has completed the repairs to building sheeting at the Granite City Works Facility's BOP Shop that required use of the emergency reladling station.

v. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Eighteenth Claim for Relief in the Complaint. On March 19, 2010, U. S. Steel amended its slag wetting practices and inspection records at the Granite City Works Facility's blast furnaces to minimize the release of fugitive particulate emissions to the atmosphere.

b. U. S. Steel has completed the following activities at the Coke Plant, By-Products Plant, and Coal Handling Area, including the permanent shutdown of Coke Batteries A and B in March of 2015:

i. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Ninth Claim for Relief in the Complaint. On April 27, 2012, U. S. Steel commenced operation of a new Low Emission Quench Tower (LEQT) as the primary quench tower at the Granite City Works Facility's Coke Plant. On April 12, 2011, U. S. Steel commenced operation of a new secondary quench tower. Both the LEQT and the

secondary quench tower are designed to automatically wash at least half the baffles after each quench, resulting in a full wash cycle after every other quench.

ii. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Tenth Claim of Relief in the Complaint. On July 1, 2014, U. S. Steel provided Illinois EPA with a Subpart V Master Component List and related Piping and Instrumentation Diagrams for the Benzol Plant at the Granite City Works Facility. The Master List identifies which components are difficult to monitor and why. On July 1, 2014, U. S. Steel also provided Illinois EPA with Piping and Instrumentation Diagrams for the Byproducts Leak Detection and Repair Program at the Granite City Works Facility's Coke By-Products Recovery Plant. On July 31, 2014, U. S. Steel provided Illinois EPA with a current schematic, design specifications, piping and instrumentation diagrams for the steam blanketing, negative pressure and gas blanketing systems used on emission units at the Granite City Works Facility's Coke By-Products Recovery Plant, and has had subsequent correspondence and communications with Illinois EPA.

iii. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Thirteenth Claim for Relief in the Complaint. On December 24, 2008, U. S. Steel repaired the damaged rail that resulted in charging off the collector main at the Granite City Works Facility. Further, U. S. Steel has implemented the inspection protocol for hot car running rails, which includes performing a daily cleaning, a monthly visual inspection of the rails, and documenting the condition and required maintenance to be performed on rail inspection forms.

iv. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Fourteenth Claim for Relief in the Complaint. Prior to

March 31, 2011, U. S. Steel addressed the underlying causes of leaks of visible emissions from coke oven doors at Battery B at the Coke Plant at the Granite City Works Facility that are detailed in the Complaint, including improvements to the valves and replacement of coke oven doors, buckstays and door jambs.

v. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Fifteenth Claim for Relief in the Complaint. Prior to March 31, 2011, U. S. Steel addressed the underlying causes of leaks of visible emissions from coke oven doors at Battery A of the Coke Plant at Granite City Works that are detailed in the Complaint, including improvements to the valves and replacement of coke oven doors, buckstays and door jambs.

vi. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Sixteenth Claim for Relief in the Complaint. U. S. Steel has conducted a root cause analysis regarding the stack testing results of the Enclosed Quench Car-Pushing Control System ("EQC-PCS") #4 at the Granite City Works Facility's Coke Plant.

vii. On March 2, 2015, the last coke was pushed from Granite City Works Facility's Coke Oven Batteries A and B. Batteries A and B were then placed on cold-idle. Coke-making and associated operations have now ceased and the coke oven batteries are permanently shut down.

viii. U. S. Steel has implemented an electronic monitoring and tracking system to ensure that inspections are conducted as required by applicable air laws, regulations, and permits. In particular, U. S. Steel's electronic tracking and monitoring system monitors and tracks inspections associated with the Integrated Iron and Steel Manufacturing NESHAP,

40 C.F.R. Part 63, Subpart FFFFF. U. S. Steel certifies that it is maintaining records of each inspection which are retained on site and available for inspection.

ix. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Eleventh Claim for Relief in the Complaint. On July 15, 2014, U. S. Steel provided Illinois EPA with revisions of updated maps identifying paved and unpaved roads in iron making, waste water treatment facility, steel works, co-gen facility and the north plant of the Granite City Works Facility. On October 1, 2014, U. S. Steel provided Illinois EPA with further revisions designed to show the changes to the Fugitive PM Operating Program related to the Coal Handling Area of the Granite City Works Facility that includes a description of the sweeping, watering and road treatments it conducts as well as other measures it is undertaking to limit fugitive dust emissions at the Granite City Works Facility. Coal-handling operations in the Coal Handling Area are no longer operating. U. S. Steel has submitted a revised Fugitive PM Operating Program to handle coke storage in the former Coal Handling Area.

x. U. S. Steel has undertaken certain compliance activities at the Granite City Works Facility relevant to the Twelfth Claim for Relief in the Complaint. U. S. Steel has implemented the use of daily record sheets, which are maintained pursuant to 35 Ill. Admin. Code 212.316(g)(2)(D-F), and has identified each application of a control measure including water and dust suppressant application, and sweeping or flushing of the roadways and normal trafficked areas at the facility. U. S. Steel has retrained operators on correct recordkeeping procedures for the daily record sheets which are maintained pursuant to 35 Ill. Admin. Code 212.316(g)(2)(D-F), and has identified each application of a control measure including water

and dust suppressant application, and sweeping or flushing of the roadways and normal trafficked areas at the facility.

c. On September 29, 2011, Illinois EPA issued Violation Notice L-2011-01342 to U. S. Steel. The allegations in Violation Notice L-2011-01342 have been addressed by U. S. Steel's completing the applicable hazardous waste inspection form.

d. On May 23, 2014, Illinois EPA issued Violation Notice A-2014-00009 to U. S. Steel. Condition 7.6.6(c) of Clean Air Act Permit Program (CAAPP) permit 96030056 cited in the violation notice was stayed by order of the Illinois Pollution Control Board, May 2, 2013. As provided in U. S. Steel's July 10, 2014 response to Violation Notice A-2014-00009, on June 16, 2014, U. S. Steel demonstrated compliance via stack testing with the emissions limit of 0.00852 lbs. of particulate matter/ton of steel at the #2 caster spray chamber. Illinois EPA's allegations in paragraph 1 of Violation Notice A-2014-00009 were addressed through this compliance demonstration and the compliance certification that was subsequently provided to Illinois EPA. U. S. Steel's projects and undertakings identified in connection with the Sixteenth Claim for Relief in the Complaint above address Illinois EPA's allegations in paragraph 2 of Violation Notice A-2014-00009.

8. <u>Pre-Settlement Remedial Measures at Great Lakes Works</u>

a. U. S. Steel has replaced the No. 26 Basic Oxygen Furnace Vessel at the Facility's BOP Shop with a new vessel designed to reduce slopping (and potential particulate matter emissions generated from slopping) through increased freeboard.

b. U. S. Steel has replaced the lock-hopper top on the Facility's D4 furnace in November 2014, which improves furnace operation, and has replaced the two-bell top on the

Facility's B2 furnace twice, once in December 2009 and a second time in March 2013. U. S. Steel also made repairs to the B2 furnace bell rod bushing in June 2016.

c. U. S. Steel replaced the downcomer and portions of the dirty gas main on the No. 26 Vessel on or around June 2014.

d. U. S. Steel has implemented an electronic monitoring and tracking system to ensure that inspections are conducted as required by applicable air laws, regulations, and permits. In particular, U. S. Steel's electronic tracking and monitoring system monitors and tracks inspections associated with the Integrated Iron and Steel Manufacturing NESHAP, 40 C.F.R. Part 63, Subpart FFFFF. U. S. Steel certifies that it is maintaining records of each inspection which are retained on site and available for inspection.

9. Pre-Settlement Remedial Measures and Other Actions at Gary Works

a. U. S. Steel implemented various programs related to Coke Oven Battery Nos. 2, 5, and 7 including, but not limited to, a door inspection program that includes routine inspections of doors in need of repair and/or replacement, repair and replacement of refractory, endflues, buckstays and door frames as necessary and appropriate, installing improved extractor heads on door machines, retraining of operators, and implementing an offtake inspection program to identify offtakes in need of repair and/or replacement.

b. Coke Oven Battery Nos. 2, 5, and 7 were placed on cold-idle on or about March 30, 2015, October 5, 2013, and November 30, 2013, respectively. Coke-making and associated operations have ceased and the coke oven batteries are now permanently shut down.

c. During the fourth quarter of 2015, U. S. Steel replaced the double bell charging system on Blast Furnace #4 at the Gary Works Facility with a bell-less charging system,

valued at $27.5 million. The project reduces the potential release of emissions from the blast furnace.

V. COMPLIANCE REQUIREMENTS

A. Great Lakes Works' B2 Blast Furnace

10. Quarterly Inspections of the Large Bell Seal. Beginning first quarter of 2017 (i.e., January 1 through March 31, 2017), and conducted quarterly thereafter, U. S. Steel shall conduct quarterly visual inspections of the large bell seal and record them. The inspections shall include:

a. An integrity inspection of the large bell for visible holes, gouges, cracks, or excessive wear; and

b. An alignment check to ensure the bell is seated properly.

11. As part of the semi-annual reporting required under Section X (Reporting Requirements), U. S. Steel shall submit the findings of the quarterly large bell seal inspection to EPA and MDEQ describing any concerns or problems such as visible holes, gouges, cracks, excessive wear and/or misalignment identified in Paragraph 10 (a) and (b) above, and a description of how the concern or problem was or will be timely and adequately addressed. The above requirements of Paragraphs 10 through 11 shall no longer be applicable if and when U. S. Steel replaces the B2 Blast Furnace top with a bell-less top or lock-hopper top.

12. Repair and Inspection of the Large Bell on Great Lakes Works' B2 Blast Furnace

a. No later than December 15, 2016, U. S. Steel shall inspect the large bell seal (i.e., conduct an inspection in accordance with the provisions of Paragraph 10(a) and (b)) and complete the installation of a new bell seal ring as an interim repair on the large bell on the Great Lakes Works' B2 Blast Furnace.

b. No later than 30 Days following completion of the installation described in subparagraph a above, or 30 Days after the Effective Date, whichever is later, U.S.

Steel shall submit to EPA and MDEQ a report in accordance with Section IX of the Decree. Such report shall include:

i. A detailed description of all of the work that was performed to repair the large bell;

ii. A certification that the interim repair is complete and operational; and

iii. The findings of the quarterly large bell seal inspection in accordance with Paragraph 11.

c. Following the interim repair and report described in subparagraphs (a) and (b), but no later than December 31, 2017, U. S. Steel shall install an in-kind replacement of the two-bell top on the Great Lakes Works' B2 Blast Furnace.

d. No later than 30 Days following completion of the installation of the in-kind replacement top described in subparagraph (c) above, U.S. Steel shall submit to EPA and MDEQ a report in accordance with Section IX of the Decree. Such report shall include:

i. A detailed description of all of the work that was performed to install the in-kind replacement of the two-bell top; and

ii. A certification that installation is complete and operational.

B. Enclosing Openings in Blast Furnace No. 6 at Gary Works Facility

13. No later than 180 Days after the Effective Date, U. S. Steel shall fully enclose the openings in Blast Furnace No. 6 at the Gary Works Facility (openings depicted in the photograph of Appendix C of this Consent Decree). Specifically, U. S. Steel shall replace the sheeting that is missing from the second tier of the furnace-shroud portion of the Blast Furnace No. 6.

a. Within 30 Days of completion, or 30 Days after the Effective Date, whichever is later, U. S. Steel shall submit a notice to EPA and IDEM confirming that U. S. Steel has enclosed the openings in Blast Furnace No. 6 in accordance with this Paragraph.

C. Granite City Works and Great Lakes Works Blast Furnace Runner Covers

14. Applicability. The following requirements under Paragraphs 15 through 18 of this Consent Decree apply to Blast Furnaces A and B at the Granite City Works Facility, and B2 and D4 at the Great Lakes Works Facility.

15. No later than 90 Days after the Effective Date of the Consent Decree, U. S. Steel shall prepare and submit to EPA, the State of Illinois (for Granite City Works), and MDEQ (for Great Lakes Works) for review and approval in accordance with Section IX (Review and Approval of Submittals), Runner Cover Plans (RCPs) that include plan-view drawings showing the location of iron and slag runner covers at Granite City Works A and B Blast Furnaces and Great Lakes Works B2 and D4 Blast Furnaces. The RCPs shall provide that the runner covers shall be in designated locations as shown on the plan-view drawings unless necessary to remove the covers temporarily during periods in which the operators are responding to situations including, but not limited to, maintenance, operational requirements (e.g., to ensure the flow of iron or slag), safety, and risk minimization. The exceptions list for removing runner covers shall be described in detail in each RCP.

16. U. S. Steel shall implement the RCP as approved by no later than 30 Days after receipt of written notice of approval under Section IX (Review and Approval of Submittals), subject to invoking the dispute resolution provisions under Sections IX and XIV (Dispute Resolution).

17. In the event U. S. Steel proposes to change the RCP, U. S. Steel shall submit a revision to EPA, the State of Illinois, and MDEQ, as applicable, and shall provide the reason(s) for the change, for review and approval in accordance with Section IX (Review and Approval of Submittals). If the proposed revision(s) requires expeditious execution to protect the safety of U. S. Steel's employees, following submittal of the proposed RCP revision(s) U. S. Steel may implement the proposed revision(s) during the interim period prior to receiving approval.

18. Nothing in Paragraphs 15, 16 and 17 is intended to supersede any applicable Clean Air Act work practice requirements for Granite City Works or Great Lakes Works.

D. Great Lakes Works Facility BOP Shop

19. Applicability. The requirements in Paragraphs 20 through 28 apply to the Great Lakes Works Facility's No. 2 BOP Shop.

20. Administrative Consent Order. The administrative consent order entered by MDEQ and U. S. Steel on February14, 2005 (AQD No. 1-2005, SRN A7809 "Stipulation for Entry of Final Order by Consent") and all its requirements regarding the Great Lakes Works Facility shall terminate upon the Effective Date of this Consent Decree. Upon the Effective Date of this Consent Decree and until commencement of enhanced visible emissions observations pursuant to Paragraph 22, U. S. Steel shall conduct, at least once every two weeks, a Method 9C visible emissions observation at the BOP Shop roof monitor for a duration not less than one full Steel Production Cycle, using an independent certified Method 9 observer to verify compliance. U. S. Steel shall make a record of each visible emissions observation (using a field data sheet as specified in Method 9) and identify the BOF vessels in operation during the visible emissions observation. U. S. Steel shall submit copies of all records required under this Paragraph as part of the Semi-Annual Report to EPA and MDEQ in accordance with Section X (Reporting Requirements).

21. Third-Party Study. No later than 30 Days after the Effective Date, U. S. Steel shall retain an independent third party with experience in evaluating air pollution control compliance at BOP Shops to conduct a third-party study of the capture and control systems at the No. 2 BOP Shop, including, but not limited to, the Nos. 1 and 2 baghouses, the ESP and the BOP Shop vessel operations, to identify technically feasible improvements to those systems and operations designed to achieve compliance with applicable opacity requirements for the BOP Shop Roof Monitor. The third-party study shall include increased visible emissions observations of the No. 2 BOP Shop Roof Monitor sufficient to effectively evaluate air pollution control compliance at the BOP Shop.

a. The third-party study shall be commenced no later than 60 Days after the Effective Date and completed no later than 150 Days after the Effective Date.

b. U. S. Steel shall submit to EPA and MDEQ a copy of the third-party study no later than 180 Days after the Effective Date. The third-party study shall contain a description of the methodology, observations, data and other information reviewed, and the study's findings.

c. Within 270 Days after the Effective Date, U. S. Steel shall submit to EPA and MDEQ a report which includes:

i. Proposed improvements to the capture and control systems and/or BOP Shop vessel operations to ensure compliance with applicable opacity requirements for the BOP Shop Roof Monitor, including an evaluation of the potential improvements identified by the third-party study and justifications for including or excluding them from the proposed action(s);

ii. Estimated costs of the proposed action(s); and

iii. A schedule for completing the proposed action(s), which includes a schedule for implementation and for the shakedown period, including, if applicable, interim and final completion dates.

d. EPA shall review and approve the report, in consultation with MDEQ and in accordance with the procedures outlined in Section IX (Review and Approval of Submittals), and U. S. Steel shall implement the proposed action(s) in accordance with the schedule in the approved report.

e. U. S. Steel may submit revisions to the approved report to EPA and MDEQ for review and approval pursuant to Section IX (Review and Approval of Submittals).

f. Within 30 Days after completion of the proposed action(s), U. S. Steel shall submit a notice of completion to EPA and MDEQ that certifies that the proposed actions were implemented in accordance with the approved report.

22. Enhanced Visible Emissions Observations of the No. 2 BOP Roof Monitor. No later than 30 Days after U. S. Steel's submittal of the notice of completion pursuant to Paragraph 21(f) above, U. S. Steel shall commence Method 9C certified visible emissions observations of the BOP Shop Roof Monitor when equipment is operating. Visible emissions from hot metal transfer, desulfurization operations, and slag skimming, if occurring, shall be included in the visible emissions observations during the Steel Production Cycle. The visible emissions observations shall include at least one full Steel Production Cycle for each vessel every week. Method 9C certified emissions observations shall occur four Days a week and each visible emissions observation shall last a minimum of two hours using an independent certified Method 9 observer and include at least two full Steel Production Cycles. For any week in which there is less than eight hours of potential reading time due to a one blast furnace operation and/or planned or

unplanned outages, U. S. Steel shall complete as many of the required visible emissions observations as available daylight weekday operating hours will allow during the week.

23. Reduction in Visible Emissions Monitoring Frequency.

a. Following commencement of the visible emissions observations in Paragraph 22, if less than five BOP Shop Roof Monitor Exceedances occur within any 30-day rolling period for 120 consecutive Days, U. S. Steel may reduce its monitoring of visible emissions from the BOP Shop Roof Monitors to three Days per week (all other provisions of Paragraph 22 above shall apply, except that where "four Days" is referenced, "three Days" shall apply instead).

b. If the conditions of subparagraph (a) above have been met and less than five BOP Shop Roof Monitor Exceedances occur within any 30-day rolling period for an additional 120 consecutive Days, U. S. Steel may reduce its monitoring of visible emissions from the BOP Shop Roof Monitor to two Days per week (all other provisions of Paragraph 22 above shall apply, except that where "four Days" is referenced, "two Days" shall apply instead).

24. If the conditions of Paragraph 23(a) and (b) have been met and less than five BOP Shop Roof Monitor Exceedances occur within any 30-day rolling period for an additional 90 consecutive Days, U. S. Steel may reduce its monitoring of visible emissions from the BOP Shop Roof Monitor to its required frequency under the Great Lakes Works Title V Permit.

25. No. 2 BOP Shop Roof Monitor Opacity Limit. Visible emissions from the No. 2 BOP Shop Roof Monitor shall not exceed 20% opacity on a three-minute average; however, stipulated penalties shall not accrue for failure to meet this standard until such time as U. S. Steel submits notice of completion to EPA and MDEQ in accordance with Paragraph 21(f) above.

26. Procedures for Inspection and Maintenance of BOP Shop Dirty Gas Main. By no later than 60 Days after the Effective Date, U. S. Steel shall submit to EPA for approval a BOP Shop Dirty Gas Main Plan that provides written procedures for inspection and maintenance of the BOP Shop Dirty Gas Main ductwork and support structures at the Great Lakes Works facility. The BOP Shop Dirty Gas Main Plan submitted pursuant to this Paragraph shall be reviewed and approved by EPA, in consultation with MDEQ, in accordance with Section IX (Review and Approval of Submittals). The BOP Shop Dirty Gas Main Plan shall include the following:

a. A diagram identifying locations within the duct system where particulate may accumulate;

b. Standard operating procedures and protocols for inspection and monitoring of structural integrity (including evidence of cracks, holes, and other degradation), material buildup, whether there is moisture or not, structural deflection, and duct system cleaning;

c. Identification of the specific locations along and within the duct structure where such inspection and monitoring shall be done;

d. Establishment of inspection and monitoring frequencies to assure timely identification of issues with ductwork and support structures;

e. Identification of action levels for cleaning and repairing the dirty gas main duct system to avoid excessive particulate build-up; and

f. Procedures for assuring timely identification and implementation of corrective actions.

27. U. S. Steel shall implement the BOP Shop Dirty Gas Main Plan as approved by EPA, by no later than 30 Days after receipt of written notice of EPA's approval.

28. Retention of BOP Shop Dirty Gas Main Inspection Records. U. S. Steel shall retain BOP Shop Dirty Gas Main inspection records in accordance with Section XV. Inspection records shall include the dates, observations, and results of each inspection, including at a minimum:

a. Information obtained in the inspection used to evaluate structural integrity (including evidence of cracks, holes, and other degradation), material buildup, structural deflection, presence of moisture, and duct cleaning;

b. Notation if any action levels were triggered; and

c. Corrective action(s) taken, if any, including descriptions and dates.

E. Granite City Works Facility BOP Shop

29. Applicability. The following requirements under Paragraphs 30 through 32 of this Consent Decree apply to the BOP Shop at the Granite City Works Facility.

30. Steam Rings at the Oxygen Lances

a. U. S. Steel shall continue to use the steam rings installed at the oxygen lances at all times of refining operation at the BOPF, except during times of Malfunction of the steam rings or associated systems necessary for operation of the steam rings.

b. Upon occurrence of a Malfunction, repairs shall be conducted at the next routine outage to the extent practicable. If repairs cannot be completed within fourteen Days from the date of occurrence, U. S. Steel shall notify the Illinois EPA in writing including a complete description of the Malfunction, the reasons the repairs cannot be completed within fourteen Days, and a schedule for completion. If a repair cannot be done at the next routine outage, it shall be done by no later than the next extended outage.

31. Within 60 Days of the Effective Date of this Consent Decree, U. S. Steel shall submit an application to modify Construction Permit Number 10080021 to provide that U. S. Steel

shall continue to use the steam rings at all times of the refining operation, except during times of Malfunction of steam rings or associated systems necessary for operation of the steam rings, and U. S. Steel shall report any such Malfunction as provided for in its permit.

32. U. S. Steel shall operate and maintain the BOPF Baghouse System for charging and tapping at either vessel. U. S. Steel shall keep records for periods when charging or tapping of a BOPF is not controlled by this system, including a description of the event, the probable cause(s) of the event, the remedial action(s) taken, including measures to minimize emissions, and any measure(s) taken to prevent similar events in the future.

F. Electronic Tracking and Management System

33. U. S. Steel shall continue to utilize an electronic tracking and monitoring system at Granite City Works, Gary Works, and Great Lakes Works to ensure that inspections are conducted and the records are maintained as required by applicable laws, regulations, and permits, including but not limited to those required by the Integrated Iron and Steel NESHAP, at 40 C.F.R. Part 63, Subpart FFFFF. The records shall be available for inspection.

G. Affirmative Relief for Illinois State-Only Claims of the Complaint

34. The following paragraphs, Paragraphs 35 through 37, address the Illinois State-Only claims in the Complaint and apply to the Granite City Works.

35. Fugitive PM Operating Program. U. S. Steel shall continue to utilize daily record sheets, which are maintained pursuant to 35 Ill. Admin. Code 212.316(g)(2)(D-F), and identify each application of a control measure including water and dust suppressant application, and sweeping or flushing of the roadways and normal trafficked areas at the Facility.

36. BOP Shop Emergency Reladling Station.

a. U. S. Steel shall continue to maintain the BOP Shop building to minimize use of the emergency reladling station.

b. U. S. Steel shall only utilize the emergency reladling station at times of Malfunction and breakdown of the primary reladling station or necessary ancillary equipment.

37. Blast Furnace Slag Pit. U. S. Steel shall continue to utilize slag wetting practices to minimize the release of fugitive PM emissions to the atmosphere, including inspecting the slag pit's spray systems on a once per shift basis, documenting the condition of the slag prior to load-out, and maintaining associated records pursuant to its Ironmaking operations and maintenance plan.

VI. CIVIL PENALTY

38. Payment to the United States. Within 30 Days after the Effective Date, U. S. Steel shall pay the sum of $1 million as a civil penalty to the United States by FedWire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice in accordance with written instructions to be provided to U. S. Steel following entry of the Consent Decree, by the Financial Litigation Unit of the U.S. Attorney's Office for the Northern District of Indiana. At the time of the payment, U. S. Steel shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the civil penalty owed to the United States pursuant to the Decree in *United States et al. v. United States Steel Corporation*, and reference the above-captioned civil action number and DOJ case number 90-5-2-1-06476/1 to the United States in the manner set forth in Section XVIII (Notices), by email to acctsreceivable.CINWD@epa.gov, and by mail to:

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, Ohio 45268

39. Payment to the State of Indiana. Within 30 Days after the Effective Date, U. S. Steel shall pay a civil penalty of $400,000 to the State of Indiana. Payment shall be wired through an EFT to Indiana. To receive wire instructions, U. S. Steel shall call or email the following point of contact:

Kathleen Hurst
Accounts Receivable Manager
Indiana Department of Environmental Management
Phone: 317-233-2394
Email: khurst1@idem.in.gov

U. S. Steel shall also notify the same point of contact within 2 business days after the transfer occurs to confirm receipt.

40. Payment to the State of Illinois. Within 30 Days after the Effective Date, U. S. Steel shall pay a civil penalty of $364,000 to the State of Illinois by certified check payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payment shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Within 30 Days after the Effective Date, U. S. Steel shall make a payment of $36,000 to the State of Illinois by certified check payable to the Illinois Attorney General's Office for deposit into the State Projects and Court Ordered Distribution Fund for subsequent expenditure as authorized by the Attorney General. Payment shall be sent by first class mail and delivered to:

Josiah E. Small, Accounting Director
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

A copy of all certified checks and any transmittal letters shall be sent to:

Rebecca A. Burlingham
Supervising Attorney
Illinois Attorney General's Office
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, IL 60602

41. Payment to MDEQ. Within 30 Days after the Effective Date of this Consent Decree, U. S. Steel shall pay a civil penalty of $400,000 to MDEQ. Payment shall be made in the form of a certified check or cashier's check, and made payable to the "State of Michigan." Payment shall be sent to:

Michigan Department of Environmental Quality
Accounting Services Division, Cashier's Office
P.O. Box 30657
Lansing, MI 48909-8157

To ensure proper credit, the check must reference *United States et al v. United States Steel Corporation*, Case No. 2:12-cv-304, and Air Quality Division Payment Identification Number AQD60002.

42. Interest. If any portion of the civil penalty due to the United States is not paid when due, U. S. Steel shall pay interest on the amount past due, accruing from the Effective Date through the date of payment, at the rate specified in 28 U.S.C. § 1961. If any portion of the civil penalty due to MDEQ is not paid when due, U. S. Steel shall pay interest on the amount past due, accruing from the Effective Date through the date of payment, at the rate specified in 28 U.S.C. § 1961. If any portion of the civil penalty due to the State of Indiana is not paid when due, U. S. Steel shall pay interest on the amount past due, accruing from the Effective Date through the date

of payment, at the rate specified in 28 U.S.C. § 1961. If any portion of the civil penalty due to the State of Illinois is not paid when due, pursuant to Section 42(g) of the Illinois Environmental Protection Act, 415 ILCS 5/42(g), interest shall accrue on any penalty amount owed by U. S. Steel not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

43. U. S. Steel shall not deduct any penalties paid under this Consent Decree pursuant to this Section or Section XI (Stipulated Penalties) in calculating its federal or state or local income tax.

VII. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

44. Joint Supplemental Environmental Projects (SEPs). U. S. Steel shall complete the joint state and federal supplemental environmental projects ("Joint SEPs") in accordance with this Section and all provisions of Appendix A.

45. U. S. Steel is responsible for the satisfactory completion of the Joint SEPs in accordance with the requirements of this Decree. If U. S. Steel elects to complete any SEP by third party contracting, the funds used to pay for the third party contracting services shall be included in the entire amount allotted to spend on the project so long as U. S. Steel demonstrates that the funds have been actually spent by either U. S. Steel or the person or instrumentality receiving them in carrying out the project, and that such expenditures met all requirements of this Consent Decree. When utilizing a third party to implement a Joint SEP, U. S. Steel shall expend no more than 10% of the total required expenditure for that SEP on administrative costs of the third party to implement the SEP.

46. Certification. For each Joint SEP, U. S. Steel certifies as follows:

a. That all cost information provided to EPA in connection with EPA's approval (upon consultation with the relevant State) is complete and accurate and that U. S. Steel in good faith estimates that the cost to implement the Joint SEPs is as set forth in Appendix A.

b. That, as of the date of executing this Decree, U. S. Steel is not required to perform or develop any of the Joint SEPs by any federal, state, or local law or regulation and is not required to perform or develop any of the SEPs by agreement, grant, or as injunctive relief awarded in any other action in any forum.

c. That none of the Joint SEPs is a project that U. S. Steel was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Decree.

d. That U. S. Steel has not received and will not receive credit for the Joint SEP in any other enforcement action.

e. That U. S. Steel will not receive reimbursement for any portion of the Joint SEP from another person or entity.

f. That for federal income tax purposes, U. S. Steel agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the Joint SEP.

g. That U. S. Steel is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the Joint SEP.

h. That, to the best of U. S. Steel's knowledge and belief after reasonable inquiry, there is no open federal financial transaction that is funding or could be used to fund the same activity as the Joint SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that U. S.

Steel is signing this Consent Decree (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

47. For all Joint SEPs, U. S. Steel shall submit to the Plaintiffs in accordance with Section XVIII (Notices) a final Joint SEP Completion Report no later than thirty (30) days from the date of such Joint SEP's completion. Each Joint SEP Completion Report must be certified by an appropriate corporate official and shall contain, at a minimum:

a. A detailed description of the Joint SEP as implemented;

b. A description of any problems encountered in completing the Joint SEP and solutions thereto;

c. An itemized list of all Joint SEP costs expended, and documentation of all expenditures;

d. Evidence of the Joint SEP completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from Joint SEP recipients, etc.);

e. To the extent possible, documentation supporting the quantification of benefits associated with each Joint SEP and an explanation of how such benefits were measured or estimated; and

f. A certificate stating:

> I certify that the project has been fully implemented pursuant to the provisions of the consent decree entered in *United States et al. v. United States Steel Corporation*, 2:12-cv-304 (N.D. Ind.), that I am familiar with the information in this document, and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to

the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

48. Following receipt of any Joint SEP Completion Report described in the preceding Paragraph, EPA, upon consultation with the relevant State, will notify U. S. Steel in writing that:

a. U. S. Steel has satisfactorily completed the Joint SEP and the Joint SEP Completion Report; or

b. U. S. Steel has not satisfactorily completed the Joint SEP and/or the Joint SEP Completion Report and EPA will seek stipulated penalties under Paragraphs 70 and/or 72, as applicable.

49. Any public statement, oral or written in print, film, or other media, made by Defendant making reference to any Joint SEP under this Decree from the date of its execution shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *United States et al. v. U. S. Steel Corp.*, taken on behalf of U.S. EPA, Michigan Department of Environmental Quality, State of Illinois, and State of Indiana, to enforce federal and state laws."

50. State-Only SEPs. U. S. Steel shall complete State supplemental environmental projects ("State-Only SEPs") in accordance with this Paragraph and the provisions of Appendix B.

a. Certification. For each State-Only SEP, U. S. Steel certifies as follows:

i. That, as of the date of executing this Decree, U. S. Steel is not required to perform or develop any of the State-Only SEPs by any federal, state, or local law or regulation and is not required to perform or develop any of the SEPs by agreement, grant, or as injunctive relief awarded in any other action in any forum.

ii. That none of the State-Only SEPs is a project that U. S. Steel was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Decree.

iii. U. S. Steel has not received and will not receive credit for the State-Only SEPs in any other enforcement action.

iv. U. S. Steel will not receive reimbursement for any portion of the State-Only SEPs from another person or entity.

b. U.S. Steel shall submit a final State-Only SEP Completion Report, including a summary of all expenditures, to the relevant State no later than thirty (30) days from the date of such SEP's completion. Each State-Only SEP Completion Report must be certified by an appropriate corporate official and shall contain, at a minimum:

i. Evidence of the State-Only SEP completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from State-Only SEP recipients, etc.) and document all State-Only SEP expenditures.

ii. A certificate stating:

> I certify that the project has been fully implemented pursuant to the provisions of the consent decree entered in *United States et al. v. United States Steel Corporation*, 2:12-cv-304 (N.D. Ind.), that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

c. Following receipt of any State-Only SEP Completion Report described in the preceding Paragraph, the relevant State will notify U. S. Steel in writing that:

i. U. S. Steel has satisfactorily completed the SEP and the SEP Completion Report; or

ii. U.S. Steel has not satisfactorily completed the SEP and/or the SEP Completion Report and the relevant State may seek stipulated penalties under Paragraphs 70 and/or 72, as applicable.

d. Any public statement, oral or written in print, film, or other media, made by Defendant making reference to any State-Only SEP under this Decree from the date of its execution shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *United States et al. v. U. S. Steel Corp.*, taken on behalf of U.S. EPA, Michigan Department of Environmental Quality, Illinois Environmental Protection Agency, and Indiana Department of Environmental Management to enforce federal and state laws."

VIII. ENVIRONMENTALLY BENEFICIAL PROJECT

51. No later than two years following the Effective Date, U. S. Steel shall conduct and complete an Environmentally Beneficial Project, to wit: U. S. Steel shall remove transformers that contain polychlorinated biphenyls (PCBs) at the Gary Works Facility and the Great Lakes Works Facility and replace them with transformers that do not contain PCBs.

52. U. S. Steel shall spend no less than $400,000 at each Facility, for a total of at least $800,000, on the removal and replacement of the PCB-containing transformers.

53. U. S. Steel shall comply with all state and federal laws that are applicable to the disposal of PCBs, including but not limited to 40 C.F.R. Part 761 and all applicable rules and regulations under the laws of Michigan, Indiana, and any state in which PCBs are disposed or that is otherwise affected by the disposal of the PCBs from the transformers at issue.

54. In the first semi-annual report required under Section X (Reporting Requirements) that is due following the completion of each removal and replacement described in this Section, U. S. Steel shall state that the project has been completed and include the following information:

a. Identification of removed transformer(s) and replacement transformer(s);

b. Description of the location of removed transformer(s) and replacement transformer(s);

c. Amount of oil and other fluid(s) contained in each removed transformer(s);

d. A calculation of the total pounds of PCBs contained in the removed transformer(s);

e. Date(s) of the removal and the replacement;

f. Copies of documents describing disposal of PCBs, including a description of the location of fluids containing PCBs; and

g. A description of all costs incurred in implementing the Environmentally Beneficial Project.

IX. REVIEW AND APPROVAL OF SUBMITTALS

55. Initial Submissions. Whenever a document is required to be submitted for review or approval pursuant to this Consent Decree, U. S. Steel shall submit each plan, report, or other submission required by this Consent Decree to the United States; to Illinois for submissions relevant to the Granite City Works Facility; to Indiana for submissions relevant to the Gary Works Facility; and to MDEQ for submissions relevant to the Great Lakes Works Facility. EPA, after consultation with the relevant State(s) and/or MDEQ, shall, in writing: (a) approve, in whole or in part, the submission; (b) approve, in whole or in part, the submission upon specified conditions; (c) disapprove, in whole or in part, the submission, requiring U. S. Steel to correct the deficiencies; or (d) any combination of the foregoing.

56. Resubmissions. Upon receipt of a notice of approval in part; approval, in whole or in part, upon specified conditions; disapproval in whole or in part; or any combination of the foregoing, U. S. Steel shall, within 30 Days or such longer time as specified by EPA in such notice, either correct the deficiencies and resubmit the plan, report, or other deliverable for approval, or submit the matter for dispute resolution, including the period of informal negotiations, under Section XIV (Dispute Resolution) of this Consent Decree. After review of the resubmitted plan, report, or other deliverable, EPA, in consultation with the relevant State(s) and/or MDEQ, shall: (a) approve, in whole or in part, the resubmission; (b) approve the resubmission upon specified conditions; (c) disapprove, in whole or in part, the resubmission, requiring U. S. Steel to correct the deficiencies; or (d) any combination of the foregoing. Upon receipt of a notice of approval in whole or in part, approval upon specified conditions, disapproval in whole or in part, or any combination of the foregoing, of the resubmission under this Paragraph, U. S. Steel shall, within 30 Days or such longer time as specified by EPA in such notice, either correct the deficiencies and resubmit the plan, report, or other deliverable for approval, or submit the matter for dispute resolution, including the period of informal negotiations, under Section XIV (Dispute Resolution) of this Consent Decree.

57. Any stipulated penalties applicable to a deficient or late submission, as provided in Section XI (Stipulated Penalties), shall accrue during the thirty (30) Day period or other specified period for the resubmission, but shall not be payable unless the resubmission is untimely or is disapproved in whole or in part; provided that, if the Parties dispute whether the original or resubmitted submission was deficient and the dispute is submitted for dispute resolution under Section XIV (Dispute Resolution), Paragraph 79 (Disputes over Stipulated Penalties) and Section XIV (Dispute Resolution) shall govern the payment of stipulated penalties.

58. Implementation. Upon approval by EPA under Paragraph 55 (Initial Submissions) or Paragraph 56 (Resubmissions), of any plan, report, or other submittal, or any portion thereof: (a) such plan, report, or other deliverable, or portion thereof, shall be incorporated into and enforceable under this Consent Decree; and (b) U. S. Steel shall take any action required by such plan, report, or other deliverable, or portion thereof in accordance with the schedules and requirements specified therein.

59. EPA, Illinois EPA, IDEM, and MDEQ do not, by their agreement to the entry of this Consent Decree or by their failure to object to any submittal for review and approval under this Consent Decree, warrant or aver in any manner that any of U. S. Steel's actions specified to be undertaken in such submittals will result in compliance with the provisions of the Act, the Illinois Environmental Protection Act, Title 13 of the Indiana Code, Part 55 of the Michigan Natural Resources and Environmental Protection Act, MCL §§ 324.5501 *et seq.* ("NREPA"), or their implementing regulations. Notwithstanding EPA's, Illinois EPA's, IDEM's, and MDEQ's review of any plans, reports, corrective actions, or procedures under this Section (Review and Approval of Submittals), U. S. Steel remains solely responsible for compliance with the Act, the Illinois Environmental Protection Act, Title 13 of the Indiana Code, Part 55 of NREPA, and their implementing regulations. Nothing in this Paragraph shall be construed as a waiver of EPA's, Illinois EPA's, IDEM's, or MDEQ's rights under the CAA, the Illinois Environmental Protection Act, Title 13 of the Indiana Code, Part 55 of NREPA, or their regulations for future violations of the CAA or its regulations.

X. REPORTING REQUIREMENTS

60. U. S. Steel shall submit a semi-annual progress report no later than March 15 and September 15 of each year, with the first semi-annual report due on the first March 15 or September 15 that occurs more than 90 Days after the Effective Date. Each semi-annual report

shall contain the following information with respect to, respectively, the half-year between July 1 and December 31, or the half-year between January 1 and June 30, commencing on the date of Entry of the Consent Decree:

a. Identification of work performed and progress made toward implementing the requirements of Section V (Compliance Requirements), Section VII (Supplemental Environmental Projects) and Section VIII (Environmentally Beneficial Project), including a narrative description of activities undertaken, the status of any construction or compliance measures, and the completion of any milestones. This information includes, but is not limited to:

i. All information required in Paragraph 10 regarding quarterly large bell seal inspections;

ii. All information required in Paragraph 22 regarding visible emissions monitoring for the Great Lakes Works Facility No. 2 BOP Shop; and

iii. Any Exceedances of the opacity limits identified in Paragraph 25 for the Great Lakes Works Facility No. 2 BOP Shop, including copies of associated Visible Emissions Observation Field Data Sheets that include the visible emissions observations taken during the Steel Production Cycle during which the Exceedance occurred.

b. Any significant problems encountered or anticipated in complying with the requirements of Section V (Compliance Requirements), Section VII (Supplemental Environmental Projects) and Section VIII (Environmentally Beneficial Project), including implemented or proposed solutions;

c. Identification and description of all non-compliance with any of the requirements under Section V (Compliance Requirements), including description of the likely

cause and of the remedial steps taken, or to be taken, to prevent or minimize such noncompliance; and

d. Identification and description of any non-compliance with any of the requirements under Section VII (Supplemental Environmental Projects) and Section VIII (Environmentally Beneficial Project).

61. Whenever any violation of this Consent Decree or of any applicable permits or any other event affecting U. S. Steel's performance under this Decree may pose an immediate threat to the public health or welfare or the environment, U. S. Steel shall notify EPA and the appropriate State agencies, orally or electronically as soon as possible, but no later than 24 hours after U. S. Steel first knew of the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph and any other state or federal reporting requirement that may be applicable.

62. All reports required under this Consent Decree shall be submitted to the persons and in the manner designated in Section XVIII (Notices).

63. Each report submitted by U. S. Steel under this Section shall be signed by an official of the submitting party and include the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. This certification requirement does not apply to emergency or similar notifications where compliance would be impractical.

64. The reporting requirements of this Consent Decree do not relieve U. S. Steel of any reporting obligations required by the Act or implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

65. Any information provided pursuant to this Section and any other Section of the Consent Decree may be used by the United States, the State of Indiana, MDEQ, or the State of Illinois in any proceeding to enforce the provisions of this Consent Decree and as otherwise permitted by law. All information and documents submitted by U. S. Steel to the United States, Indiana, MDEQ, or Illinois shall be subject to public inspection unless identified and supported as confidential business information (CBI). As to any information that U. S. Steel seeks to protect as CBI pursuant to 40 C.F.R. Part 2, U. S. Steel shall follow the procedures set forth in 40 C.F.R. Part 2. Under no circumstances shall emissions data be identified or considered CBI.

XI. STIPULATED PENALTIES

66. U. S. Steel shall be liable for stipulated penalties to the United States, and to the State of Illinois (for the Granite City Works Facility), MDEQ (for the Great Lakes Works Facility), and the State of Indiana (for the Gary Works Facility) for violations of this Consent Decree as specified below, unless excused under Section XII (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Decree, including any work plan or schedule approved under this Decree, according to all applicable requirements of this Decree and within the specified time schedules established by or approved under this Decree. No stipulated penalties shall accrue or become payable prior to the Effective Date of this Consent Decree.

67. Late Payment of Civil Penalty. If U. S. Steel fails to pay any part of the civil penalty required to be paid under this Decree when due, a stipulated penalty of $1,000 per Day, per Plaintiff not fully paid, shall accrue against U. S. Steel.

68. Review and Submittal of Plans and Applications. Subject to Sections IX (Review and Approval of Submittals) and XIV (Dispute Resolution), for failure to submit plans as required by Paragraphs 15 (runner cover plan), 21(c) (BOP Shop report), 26 (BOP Shop dirty gas main plan), and 31 (steam ring application) of the Consent Decree, stipulated penalties shall accrue as follows:

Period of Noncompliance	Penalty Per Day of Violation
1st through 14th Day	$750
15th through 30th Day	$1,500
31st Day and beyond	$3,250

69. Compliance Requirements. For failure to implement the following compliance requirements (except those reporting and recordkeeping requirements which are set out separately in Paragraph 70) in accordance with the requirements of the Decree, including a) failure to complete the installation of a new bell seal ring as an interim repair on the large bell on the Great Lakes Works' B2 Furnace by or before December 15, 2016, in accordance with Paragraph 12(a) of the Decree; b) failure to complete the installation of an in-kind replacement of the two-bell top on the Great Lakes Works' B2 Furnace by or before December 31, 2017, in accordance with Paragraph 12(c) of the Decree; c) failure to conduct the Great Lakes Works BOP Shop Third-Party Study, in accordance with Paragraph 21 of the Decree; d) failure to implement plans and studies and take corrective action as part of such plans and studies, in accordance with Paragraphs 21(d) (BOP Shop Monitor Report) and 27 (BOP Shop Dirty Gas Main Plan) of the Decree; e) failure to perform enhanced visible emissions observations of the BOP Shop Roof Monitor in accordance with Paragraphs 22, 23 and 24 of the Decree; f) failure to enclose openings in Blast Furnace No. 6 at Gary Works in accordance with Paragraph 13 of the Decree; g) failure to continue to utilize and/or maintain equipment (including making needed repairs) and continue to utilize work

practices, in accordance with Paragraphs 30(a) (Steam Rings), 32 (BOPF Baghouse System), 33 (Electronic Tracking and Monitoring System), 35 (Fugitive PM Operating Program) and 37 (Blast Furnace Slag Pit) of the Decree; and h) failure to conduct quarterly inspections of the Great Lakes Works Large Bell Seal, in accordance with Paragraph 10 of the Decree; the following stipulated penalties shall accrue provided, however, that stipulated penalties shall not accrue under items d) and e) of this Paragraph on any Day or Days or period of time in which the Great Lakes Works No. 2 BOP Shop or Great Lakes Works' Blast Furnace B2, as applicable, is not operating:

Period of Noncompliance	Penalty Per Day of Violation
1st through 14th Day	$ 1,250
15th through 30th Day	$ 2,500
31st Day and beyond	$ 4,500

70. Reporting and Recordkeeping Requirements.

a. For failure to meet the notice and reporting requirements of the Consent Decree in accordance with Paragraphs 12(b) (installation of a new bell seal ring as an interim repair of the large bell on the Great Lakes Works' B2 Furnace), 12(d) (installation of an in-kind replacement of the two-bell top on the Great Lakes Works' B2 Furnace), 13(a) (enclosing openings in Blast Furnace No. 6 at Gary Works Facility), 21(b) (BOP Shop third-party study), 21(f) (BOP Shop improvements), 47 (Joint SEP), 50(b) (State-Only SEP), 60 (general reporting requirements) and 61 (immediate threat to the public health or welfare or the environment) of the Decree, the following stipulated penalties shall apply for each failure:

Period of Noncompliance	Penalty Per Day of Violation
1st through 14th Day	$500
15th through 30th Day	$1,000
31st Day and beyond	$2,000

b. For failure to make a record required under Paragraphs 10 (Large Bell Seal inspection records); 22, 23 and 24 (BOP Shop visible emission observations records); 28 (BOP Shop Dirty Gas Main Inspection records); 32 (GCW Baghouse records); 35 (Fugitive PM Operation records); and 37 (Blast Furnace Slag Pit records) of this Decree, stipulated penalties for such failure shall not accrue beyond the first day that the record was due, but repeated violations over the course of the Consent Decree shall be assessed as follows:

Number of Per Day Violations	Penalty Per Day of Violation
1st through 14th	$500
15th through 30th	$1,000
31st and beyond	$2,000

71. Emission Limit at Great Lakes Works No. 2 BOP Shop. For failure to meet the emission requirement in Paragraph 25 (No. 2 BOP Shop Roof Monitor Opacity Limit) of this Consent Decree, stipulated penalties shall accrue as follows. Stipulated penalties shall not accrue on any Day or Days or period of time in which the Great Lakes Works No. 2 BOP Shop is not operating:

Penalty Per Day of Violation	Number of Exceedances
$1,500/Day	1-5 Exceedances/day
$3,000/day	6-10 Exceedances/day
$4,500/day	11+ Exceedances/day

72. Stipulated Penalties for Supplemental Environmental Projects and Environmentally Beneficial Project.

a. Subject to subparagraph (b) below, if U. S. Steel fails to satisfactorily complete any Supplemental Environmental Project or Environmentally Beneficial Project by the

applicable deadlines set forth in Sections VII and VIII and Appendices A and B, as applicable, U. S. Steel shall pay stipulated penalties in the following amounts for each Day after the deadline:

Penalty per Violation per Day	Period of Violation
1st through 14th Day	$1,000
15th through 30th Day	$2,000
31st Day and beyond	$4,000

b. If U. S. Steel fails to expend the entire amount of the required expenditure for any of the projects identified in Appendices A and B and Section VII and Section VIII but otherwise has satisfactorily completed the project, U. S. Steel shall pay a stipulated penalty equal to 125% of the difference between the required expenditure for the project and any eligible project dollar amounts expended to implement the project in accordance with Sections VII and VIII and Appendices A and B as applicable, unless the failure to expend the entire amount is caused by a force majeure event as determined in accordance with Section XII (Force Majeure), in which case U. S. Steel shall pay a stipulated penalty equal to 100% of the difference between the required expenditure and any eligible project dollar amounts expended to implement the project.

73. Demand for Stipulated Penalties. A written demand by the United States, Illinois, MDEQ, or Indiana for the payment of stipulated penalties will identify the particular violation(s) to which the stipulated penalty relates; the stipulated penalty amount (as can be best estimated) that the United States, Illinois, MDEQ, and/or Indiana is demanding for each violation; the calculation method underlying the demand; and the grounds upon which the demand is based. The Party making a demand for payment of a stipulated penalty shall simultaneously send a copy of the demand to the other applicable Party.

74. Stipulated Penalties' Accrual. If the approved report submitted under Paragraph 21(c) (BOP Shop) contains a compliance schedule with interim compliance dates, stipulated penalties for deviations from interim compliance dates shall accrue but not be owed if the final compliance date is met. Stipulated penalties for failure to comply with notice, reporting, retention of records or recordkeeping requirements shall not accrue if the action to be noticed, reported, or recorded has not occurred. Stipulated penalties will begin to accrue on the Day after performance is due or the Day a violation occurs, whichever is applicable, and will continue to accrue until performance is satisfactorily completed or the violation ceases, whichever is applicable. Stipulated penalties shall accrue simultaneously for separate violations of this Consent Decree.

75. Stipulated Penalties Payment Due Date. Stipulated penalties shall be paid no later than 30 Days after receipt of a written demand by the United States, Illinois, MDEQ, or Indiana, unless the demand is subject to Section XIV (Dispute Resolution).

76. Manner of Payment of Stipulated Penalties. Stipulated penalties owing to the United States of under $10,000 will be paid by check and made payable to "U.S. Department of Justice," referencing DJ# 90-5-2-1-06476/1, and delivered to the Financial Litigation Unit of the U.S. Attorney's Office for the Northern District of Indiana. Stipulated penalties owing to the United States of $10,000 or more will be paid in the manner set forth in Section VI (Civil Penalty). For the Granite City Works Facility, U. S. Steel shall pay fifty percent of the total stipulated penalty amount due to the United States and fifty percent to the State of Illinois, except for violations related to Paragraphs 34-37 (the Illinois State-Only claims), in which case U. S. Steel shall pay the total stipulated penalty amount to the State of Illinois; for the Great Lakes Works Facility, U. S. Steel shall pay fifty percent of the total stipulated penalty amount due to the United States and fifty percent to MDEQ; and for the Gary Works Facility, U. S. Steel shall pay fifty

percent of the total stipulated penalty amount due to the United States and fifty percent to the State of Indiana. For violations relating to the Granite City Works Facility, the Great Lakes Works Facility, and the Gary Works Facility together, the stipulated penalty amount shall be split evenly between the United States, Illinois, MDEQ, and Indiana.

77. All stipulated penalties owing to the State of Indiana shall be paid in the manner set forth in Section VI (Civil Penalty). Stipulated penalties owing to MDEQ shall be paid in the manner set forth in Section VI (Civil Penalty). All stipulated penalties owing to the State of Illinois shall be paid by certified check payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

All transmittal correspondence shall state that the payment is for stipulated penalties, shall identify the violations to which the payment relates, and shall include the same identifying information required by this Section.

78. Waiver of Payment. The United States, Illinois, MDEQ, or Indiana may, in its unreviewable discretion, waive payment of any portion or all of the stipulated penalties that may be due to it under this Consent Decree. Where only one Plaintiff demands stipulated penalties for a violation, and the other Plaintiff or Plaintiffs do not join in the demand within ten Days of receiving the demand, or timely join(s) the demand but subsequently elect(s) to waive or reduce stipulated penalties for that violation, U. S. Steel shall pay the full stipulated penalties due for the violation to the Plaintiff(s) making the demand less any amount paid to the other Plaintiff(s).

79. Disputes over Stipulated Penalties. By no later than 30 Days after receipt of a written demand for stipulated penalties, U. S. Steel may dispute liability for any or all stipulated penalties demanded by invoking the dispute resolution procedures of Section XIV of this Decree (Dispute Resolution). In the event of a dispute over stipulated penalties, stipulated penalties shall continue to accrue as provided in Paragraphs 66-72 during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by agreement or a decision of EPA, or Illinois in the case of a dispute involving an Illinois State-Only claim, that is not appealed to the Court, U. S. Steel shall pay accrued penalties determined to be owing, together with interest, to the United States, or Illinois in the case of a dispute involving an Illinois State-Only claim, within 30 Days of the effective date of the agreement or the receipt of EPA's or Illinois' decision or order.

b. If the dispute is appealed to the Court and the United States, or Illinois in the case of a dispute involving an Illinois State-Only claim, prevails in whole or in part, U. S. Steel shall pay all accrued penalties determined by the Court to be owing, together with interest, within 60 Days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, U. S. Steel shall pay all accrued penalties determined to be owing, together with interest, within 15 Days of receiving the final appellate court decision.

80. No amount of the stipulated penalties paid by U. S. Steel shall be used to reduce its federal or state tax obligations.

81. Interest. If U. S. Steel fails to pay stipulated penalties required by this Consent Decree, U. S. Steel shall be liable for interest on such penalties at the rates specified in Paragraph

42, accruing as of the date payment became due. Nothing in this Paragraph shall be construed to limit the United States or Illinois, in the case of a dispute involving an Illinois State-Only claim, from seeking any remedy otherwise provided by law for U. S. Steel's failure to pay any stipulated penalties.

82. Reservation of Rights. Subject to the provisions of Section XVI (Effect of Settlement/Reservation of Rights), the stipulated penalties provided for in this Consent Decree shall be in addition to any other rights, remedies, or sanctions available to the United Sates, Illinois, MDEQ, or Indiana (including, but not limited to, statutory penalties, additional injunctive relief, mitigation or offset measures, and contempt) for U. S. Steel's violation of this Consent Decree or applicable law. Where a violation of this Consent Decree is also a violation of the Clean Air Act, U. S. Steel shall be allowed a credit for any stipulated penalties paid, against any statutory penalties imposed for such violation.

XII. FORCE MAJEURE

83. "Force Majeure," for purposes of this Consent Decree, is defined as any event arising from the causes beyond the control of U. S. Steel, any entity controlled by U. S. Steel, or of U. S. Steel's contractors that delays or prevents the performance of any obligation under this Consent Decree despite U. S. Steel's best efforts to fulfill the obligation. The requirement that U. S. Steel exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include U. S. Steel's financial inability to perform any obligation under this Consent Decree.

84. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, whether or not caused by a force majeure event, U. S. Steel shall provide written notice to EPA, and, for events relating to the Granite City Works Facility, Illinois EPA; for events relating to the Great Lakes Works Facility, MDEQ; and, for events related to the Gary Works Facility, IDEM, within seven (7) Days of when U. S. Steel first knew that the event might cause a delay. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree relating to the Illinois State-Only claims in Paragraphs 35-37, whether or not caused by a force majeure event, U. S. Steel shall provide written notice to Illinois within seven (7) Days of when U. S. Steel first knew that the event might cause a delay. The notice shall include an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; U. S. Steel's rationale for attributing such delay to a force majeure event; and a statement as to whether, in the opinion of U. S. Steel, such event may cause or contribute to an endangerment to public health, welfare, or the environment. U. S. Steel shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure event. Failure to comply with the above requirements shall preclude U. S. Steel from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failures. U. S. Steel shall be deemed to know of any circumstance of which U. S. Steel, any entity controlled by U. S. Steel, or U. S. Steel's contractors knew or should have known.

85. If EPA, after reasonable opportunity for review and comment by Illinois, MDEQ, or Indiana, as applicable, or Illinois in the case of an Illinois-only notification, agrees that the delay or

anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Decree that are affected by the force majeure event will be extended by EPA, after a reasonable opportunity for review and comment by Illinois, MDEQ, or Indiana, as applicable, for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. EPA or Illinois as applicable will notify U. S. Steel in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

86. If EPA, or Illinois in the case of an Illinois-only notification, after a reasonable opportunity for review and comment by Illinois, MDEQ, or Indiana, as applicable, does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA or Illinois as applicable will notify U. S. Steel in writing of its decision.

87. If U. S. Steel elects to invoke the dispute resolution procedures set forth in Section XIV (Dispute Resolution), it shall do so no later than 15 Days after receipt of EPA's or Illinois' notice. In any such proceeding, U. S. Steel shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that U. S. Steel complied with the requirements of Paragraphs 83 and 84 above. If U. S. Steel carries this burden, the delay at issue shall be deemed not to be a violation by U. S. Steel of the affected obligation of this Consent Decree identified to EPA or Illinois, as applicable, and the Court.

88. Permits. Where any compliance obligation under this Section requires U. S. Steel to obtain a federal, state, or local permit or approval, U. S. Steel shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. U. S. Steel may seek relief under the provisions of this Section (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if U. S. Steel submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

XIII. IDLING OF OPERATIONS

89. In the event U. S. Steel Idles a BOP Shop or a blast furnace at the Gary Works Facility, Granite City Works Facility, or Great Lakes Works Facility, U. S. Steel may postpone performing the compliance requirements in Section V (Compliance Requirements), as applicable to the BOP Shop or blast furnace that is Idled, and avoid the stipulated penalties that would otherwise accrue from those provisions, by notifying Plaintiffs at least 20 Days or the same Day that notice under the Worker Adjustment and Retraining Notification (WARN) Act, 29 U.S.C. § 2102(a)(1), (if applicable) is provided, whichever comes first, before any such Idle begins, and at least 5 Days before the Idle ends; provided, however, that U. S. Steel may postpone performing the compliance requirement in Paragraph 13 (enclosing openings in Blast Furnace No. 6 at Gary Works Facility) only if all of the blast furnaces at the Gary Works Facility are Idled. Any such postponement shall extend the applicable compliance requirements by one Day for every one Day that the BOP Shop or blast furnace was Idled, except for the requirements in Paragraphs 30 (Steam Rings/Granite City); 32 (Baghouse System/Granite City); 33 (Electronic Tracking and Management System/all facilities); 35 (Daily Record Sheets/Granite City); 36 (BOP Shop

Bldg/Granite City); and 37 (Blast Furnace Slag Pit/Granite City), which shall be complied with immediately upon restart of the BOP Shop or blast furnace.

XIV. DISPUTE RESOLUTION

90. Informal Dispute Resolution. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Decree. Any dispute subject to Dispute Resolution under this Consent Decree shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when U. S. Steel sends the United States a written Notice of Dispute, or, in the case of a dispute regarding an Illinois State-Only claim, when U. S. Steel sends the State of Illinois a written Notice of Dispute. The period of informal negotiations shall not exceed 20 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the United States, or Illinois in the case of a dispute involving an Illinois State-Only claim, shall provide U. S. Steel with a written summary of its position regarding the dispute. The position advanced by the United States, or Illinois in the case of dispute involving an Illinois State-Only claim, shall be considered binding unless, within 30 Days after the conclusion of the informal negotiation period, U. S. Steel invokes formal dispute resolution procedures as set forth below.

91. Formal Dispute Resolution. U. S. Steel shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by serving on EPA, or Illinois in the case of a dispute involving an Illinois State-Only claim, a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting U. S. Steel's position and any supporting documentation relied upon by U. S. Steel.

92. The United States, or Illinois in the case of a dispute involving an Illinois State-Only claim, shall serve its Statement of Position within 45 Days of receipt of U. S. Steel's Statement of Position. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the United States or Illinois in the case of a dispute involving an Illinois State-Only claim. The Statement of Position shall be binding on U. S. Steel, unless U. S. Steel files a motion for judicial review of the dispute in accordance with the following Paragraph.

93. U. S. Steel may seek judicial review of the dispute by filing with the Court and serving on the United States or Illinois in the case of a dispute involving an Illinois State-Only claim, in accordance with Section XVIII (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 30 Days of receipt of the Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of U. S. Steel's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Decree.

94. The United States, or Illinois in the case of a dispute involving an Illinois State-Only claim, shall respond to U. S. Steel's motion within the time period allowed by the Local Rules of this Court. U. S. Steel may file a reply memorandum, to the extent permitted by the Local Rules.

95. Standard of Review. In any dispute brought under this Section (Dispute Resolution), U. S. Steel shall bear the burden of proof pursuant to applicable principles of law.

96. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of U. S. Steel under this Consent

Decree, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 79. If U. S. Steel does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section XI (Stipulated Penalties).

XV. INFORMATION COLLECTION AND RETENTION

97. The United States, Illinois, Indiana, and MDEQ, and their representatives, including attorneys, contractors, and consultants, shall have the right of entry into any facility covered by this Consent Decree, at all reasonable times, upon presentation of credentials, to:

a. Monitor the progress of activities required under this Consent Decree;

b. Verify any data or information submitted to the United States in accordance with the terms of this Consent Decree;

c. Obtain samples, and, upon request, splits of any samples taken by U. S. Steel or its representatives, contractors, or consultants;

d. Obtain documentary evidence, including photographs and similar data; and

e. Assess U. S. Steel's compliance with this Consent Decree.

98. In conducting such information collection, the United States, Illinois, Indiana, and MDEQ, and their representatives, including attorneys, contractors, and consultants, shall comply with all of U. S. Steel's safety requirements for all personnel entering U. S. Steel's facility.

99. Until five years after the termination of this Consent Decree, U. S. Steel shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to U. S. Steel's

performance of its obligations under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States, Illinois, Indiana, or MDEQ, U. S. Steel shall provide copies of any documents, records, or other information required to be maintained under this Paragraph. U. S. Steel may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If U. S. Steel asserts such a privilege, it shall provide the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of each author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by U. S. Steel.

100. At the conclusion of the information-retention period provided in the preceding Paragraph, U. S. Steel shall notify the United States, Illinois, Indiana, and MDEQ at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the United States, Illinois, Indiana, or MDEQ, U. S. Steel shall deliver any such documents, records, or other information to EPA, Illinois, Indiana, or MDEQ. U. S. Steel may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If U. S. Steel asserts such a privilege, it shall provide the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of each author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by U. S. Steel.

101. This Consent Decree in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States, Illinois, Indiana, or MDEQ, pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of U. S. Steel to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

XVI. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

102. This Consent Decree resolves the civil claims of the United States, the State of Illinois, the State of Indiana, MDEQ, and Illinois EPA for the violations alleged in the Complaint filed in this action and IEPA Violation Notices A-2014-00009 and L-2011-01342, US EPA Notice of Violation and Finding of Violation EPA-05-14-MI-07, and MDEQ Violation Notice dated April 14, 2014 (violations alleged regarding the No. 26 Vessel downcomer and the dirty gas main at the No. 2 BOP Shop at the Great Lakes Works Facility) through the Date of Lodging.

103. The United States, the State of Illinois, State of Indiana, and MDEQ reserve all legal and equitable remedies available to enforce the provisions of this Consent Decree, except as expressly stated in Paragraph 102. This Consent Decree shall not be construed to limit the rights of the United States, Indiana, Illinois, and MDEQ to obtain penalties or injunctive relief under the Act, its implementing regulations, or regulations authorized by the Act, or under other federal or state laws, regulations, or permit conditions except as specifically stated in Paragraph 102. The United States, Illinois, Indiana, and MDEQ further reserve all legal and equitable remedies to address any imminent and substantial endangerment to the public health or the environment arising at, or posed by, the Gary Works Facility, the Great Lakes Works Facility and the Granite City Works Facility, whether or not related to the violations addressed in this Consent Decree or otherwise.

104. In any subsequent administrative or judicial proceeding initiated by the United States, Illinois, Indiana, or MDEQ for injunctive relief, civil penalties, or other appropriate relief relating to the Gary Works Facility, the Great Lakes Works Facility and the Granite City Works Facility, U. S. Steel shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States, Illinois, Indiana, or MDEQ in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been resolved pursuant to Paragraph 102. This Consent Decree is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. U. S. Steel is responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits; and U. S. Steel's compliance with this Consent Decree shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States, Illinois, Indiana, and MDEQ do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that U. S. Steel's compliance with any aspect of this Consent Decree will result in compliance with the provisions of the Act, or with any other provisions of federal, State, or local laws, regulations, or permits.

105. This Decree does not limit or affect the rights of the United States, Illinois, Indiana, and MDEQ against any third parties not party to this Consent Decree nor does it limit the rights of third parties not party to this Consent Decree against U. S. Steel, except as otherwise provided by law.

106. This Decree shall not be construed to create any rights in, or grant any cause of action to, any third party not party to this Consent Decree.

XVII. COSTS

107. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States, Illinois, Indiana, and MDEQ shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by U. S. Steel.

XVIII. NOTICES

108. Unless otherwise specified in this Decree, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed to:

The United States

U.S. Department of Justice by email:

Eescdcopy.enrd@usdoj.gov
Re: DJ # 90-5-2-1-06476/1

U.S. Department of Justice by mail:

EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611
Washington, D.C., 20044-7611
Re: DJ # 90-5-2-1-06476/1

EPA:

Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

and

Eric Cohen
Office of Regional Counsel, C-14J
US EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

State of Illinois:

Rebecca A. Burlingham
Supervising Attorney
Illinois Attorney General's Office
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, IL 60602

312-814-3776

rburlingham@atg.state.il.us

Chris Pressnall
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3003
Chris.pressnall@illinois.gov

Manager, Compliance Unit
Illinois EPA – Bureau of Air
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Manager, Bureau of Air - Field Operations Section
Collinsville Regional Office
2009 Mall Street
Collinsville, IL 62234

State of Indiana:

Phil Perry
Indiana Department of Environmental Management
Chief, Air Compliance Branch
100 North Senate Avenue
MC-61-53, IGCN 1003
Indianapolis, IN 46204-2251

MDEQ by mail:

Neil D. Gordon
Michigan Department of Attorney General
Environment, Natural Resources, and
Agriculture Division
P.O. Box 30755
Lansing, MI 48909

and

Wilhemina McLemore
Michigan Department of Environmental Quality
Air Quality Division
Cadillac Place, Suite 2-300
3058 West Grand Boulevard
Detroit, MI 48202-6058

MDEQ by email:
mclemorew@michigan.gov (MDEQ Air Quality Division Detroit Office Supervisor)

MDEQ by telephone:
313-456-4685 (MDEQ Air Quality Division Detroit Office Supervisor)

MDEQ by telephone for notice orally of an event that may pose an immediate threat to the public health or welfare or the environment:

1-800-292-4706 (MDEQ Pollution Emergency Alert System)

U. S. Steel:

General Manager, Environmental Affairs
United States Steel Corporation
Penn Liberty Plaza I
1350 Penn Avenue, Suite 200
Pittsburgh, PA 15222-4211

Assistant General Counsel, Environmental
United States Steel Corporation
600 Grant Street - Suite 1500
Pittsburgh, PA 15219

General Manager
U. S. Steel – Gary Works
One North Broadway
Gary, Indiana 46402

General Manager
U. S. Steel – Great Lakes Works
No. 1 Quality Drive
Ecorse, Michigan 48229

General Manager
U. S. Steel – Granite City Works
20th & State Streets
Granite City, IL 62040

109. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

110. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Consent Decree or by mutual agreement of the Parties in writing.

XIX. RETENTION OF JURISDICTION

111. The Court shall retain jurisdiction over this case until termination of this Consent Decree, for the purpose of resolving disputes arising under this Decree or entering orders modifying this Decree, pursuant to Sections XIV (Dispute Resolution) and XX (Modification), or effectuating or enforcing compliance with the terms of this Decree.

XX. MODIFICATION

112. The terms of this Consent Decree, including any attached appendices, may be modified only by a subsequent written agreement signed by all of the Parties. Where a modification by the Parties constitutes a material change to this Decree, it shall be effective only upon approval by the Court.

113. Any disputes concerning modification of this Decree shall be resolved pursuant to Section XIV (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph 95, the Party seeking the modification bears the burden of demonstrating

that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XXI. TERMINATION

114. After U. S. Steel has completed all of the requirements of Section V (Compliance Requirements), has thereafter maintained satisfactory compliance with this Consent Decree for a period of at least 24 months, has complied with all other requirements of this Consent Decree, including those relating to the Supplemental Environmental Projects required by Section VII and the Environmentally Beneficial Project required by Section VIII, and has paid the civil penalty and any accrued stipulated penalties as required by this Consent Decree, U. S. Steel may serve upon the United States, Illinois, Indiana, and MDEQ a Request for Termination, stating that U. S. Steel has satisfied those requirements, together with all necessary supporting documentation.

115. Partial Termination

a. Partial Termination for the Gary Works Facility. After U. S. Steel has completed the requirements in Section V (Compliance Requirements), has thereafter maintained satisfactory compliance with those requirements for a period of at least 12 months (excluding periods of Idling, as defined above), has demonstrated that it has completed the SEPs and Environmentally Beneficial Project for the Gary Works Facility, has paid the civil penalty to the United States and all three States, and has paid any accrued stipulated penalties applicable to the Gary Works Facility as required by Section XI of this Consent Decree, unless waived or reduced by Plaintiffs pursuant to Paragraph 78, U. S. Steel may serve upon Plaintiffs a Request for Partial Termination for the Gary Works Facility. The Request for Partial Termination shall include a detailed statement describing the basis(es) for U. S. Steel's determination that it has satisfied the requirements for that facility under this Consent Decree, and all necessary supporting documentation.

b. Partial Termination for the Great Lakes Works Facility. After U. S. Steel has completed the requirements in Section V (Compliance Requirements) for the Great Lakes Works Facility, including meeting all of the conditions in Paragraphs 23 and 24 for reduction in visible emissions monitoring frequency to the frequency specified in the Great Lakes Works Title V Permit, and has thereafter maintained satisfactory compliance with those requirements for a period of at least 24 months, has demonstrated that it has completed the SEPs and Environmentally Beneficial Project for the Great Lakes Works Facility, has paid the civil penalty to the United States and all three States, and has paid any accrued stipulated penalties as required by Section XI of this Consent Decree, unless waived or reduced by Plaintiffs pursuant to Paragraph 78, U. S. Steel may serve upon Plaintiffs a Request for Partial Termination for the Great Lakes Works Facility. The Request for Partial Termination shall include a detailed statement describing the basis(es) for U. S. Steel's determination that it has satisfied the requirements for that facility under this Consent Decree, and all necessary supporting documentation.

c. Partial Termination for the Granite City Works Facility. After U. S. Steel has completed the requirements in Section V (Compliance Requirements) for the Granite City Works Facility, has thereafter maintained satisfactory compliance with those requirements for a period of at least 24 months, has demonstrated that it has completed the SEPs for the Granite City Works Facility, has paid the civil penalty to the United States and all three States, and has paid any accrued stipulated penalties as required by Section XI of this Consent Decree, unless waived or reduced by Plaintiffs pursuant to Paragraph 78, U. S. Steel may serve upon Plaintiffs a Request for Partial Termination for the Granite City Works Facility. The Request for Partial Termination shall include a detailed statement describing the basis(es) for U. S. Steel's determination that it

has satisfied the requirements for that facility under this Consent Decree, and all necessary supporting documentation.

116. Following receipt by the United States, Illinois, Indiana, and MDEQ of Defendant's Request for Termination or Partial Termination (if applicable), the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Defendant has satisfactorily complied with the requirements for termination or partial termination of this Consent Decree. If the United States, after consultation with Illinois, Indiana, and MDEQ, agrees that the Decree may be terminated, or partially terminated with respect to one or more Facilities, the Parties shall submit, for the Court's approval, a joint stipulation terminating or partially terminating the Decree.

117. If the United States, after consultation with Illinois, Indiana, and MDEQ, does not agree that the Decree may be terminated, or partially terminated with respect to one or more Facilities, Defendant may invoke Dispute Resolution under Section XIV (Dispute Resolution). However, Defendant shall not seek Dispute Resolution of any dispute regarding termination until 45 Days after service of its Request for Termination or Partial Termination.

XXII. PUBLIC PARTICIPATION

118. This Consent Decree shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States, after consultation with Indiana, Illinois and MDEQ, reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. U. S. Steel consents to entry of this Consent Decree without further notice and agrees not to withdraw from or oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the United States has notified U. S. Steel in writing that it no longer supports entry of the Decree.

XXIII. SIGNATORIES / SERVICE

119. Each undersigned representative of U. S. Steel, the State of Illinois, the State of Indiana, MDEQ, EPA, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice (or his or her designee) certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party he or she represents to this document.

120. This Decree may be signed in parts, and its validity shall not be challenged on that basis. U. S. Steel agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Decree and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons.

XXIV. INTEGRATION

121. This Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Decree and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than deliverables that are subsequently submitted and approved pursuant to this Decree, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Decree or the settlement it represents, nor shall it be used in construing the terms of this Decree.

XXV. FINAL JUDGMENT

122. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment of the Court as to the United States, the State of Illinois, the State of Indiana, MDEQ, and U. S. Steel. The Court finds that there is no just reason for delay and therefore enters this judgment as a final judgment under Fed. R. Civ. P. 54 and 58.

XXVI. APPENDICIES

123. The following Appendices are attached to and part of this Consent Decree:

"Appendix A" – Joint Federal/State Supplemental Environmental Projects.

"Appendix B" – State-Only Supplemental Environmental Projects.

"Appendix C" - Photograph of the openings in Blast Furnace No. 6 at the Gary Works Facility that need to be enclosed pursuant to Paragraph 13.

Dated and entered this 30th Day of March, 2017

HON. PHILIP P. SIMON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF INDIANA

FOR THE UNITED STATES OF AMERICA:

11/22/16
Date

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

ARNOLD S. ROSENTHAL
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, DC 20044-7611

IVA ZIZA / by AR
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, DC 20044-7611

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

11/21/16
Date

ROBERT A. KAPLAN
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Boulevard
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acting for

T. LEVERETT NELSON
Regional Counsel
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U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, IL 60604

FOR THE STATE OF ILLINOIS:

11/17/16
Date

LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

Elizabeth Wallace

ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

ALEC MESSINA, Acting Director
Illinois Environmental Protection Agency

9/21/16
Date

JOHN J. KIM
Chief Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

FOR THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

November 17, 2016
Date

BILL SCHUETTE
Attorney General

NEIL D. GORDON
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources and Agriculture Division
P.O. Box 30755
Lansing, MI 48909
(517) 373-7540

LYNN FIEDLER
Chief, Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, MI 48909
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FOR THE STATE OF INDIANA

ON BEHALF OF THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT:

Nov 16, 2016
Date

CAROL S. COMER
Commissioner
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

As to form and legality:

GREGORY F. ZOELLER
Indiana Attorney General

PATRICIA ORLOFF ERDMANN
Chief Counsel of Litigation
Office of the Indiana Attorney General
Indiana Government Center South
5th Floor
302 West Washington Street
Indianapolis, IN 46204

FOR UNITED STATES STEEL CORPORATION:

DAVID L. SMIGA
Secretary and Assistant General Counsel - Environmental
United States Steel Corporation
600 Grant Street - Suite 1500
Pittsburgh, PA 15219

Nov. 21, 2016
Date

APPENDIX A

JOINT STATE AND FEDERAL SUPPLEMENTAL ENVIRONMENTAL PROJECTS

U. S. Steel shall comply with the requirements of this Appendix in fulfilling its obligations under Section VII of the Consent Decree with regard to joint state and federal supplemental environmental projects ("Joint SEPs").

I. Street Sweeper with Enhanced Particulate Collection for Granite City, Illinois

A. U. S. Steel shall provide for the acquisition by the City of Granite City, Illinois of a new street sweeper, estimated to cost between $260,000 and $275,000, equipped with enhanced particulate collection capability for use by the City of Granite City ("Granite City Street Sweeper SEP"). The new sweeper shall substantially improve street particulate collection (and thereby reduce fugitive dust emissions) from existing street sweeper operations in Granite City.

B. The new sweeper shall be a "Pelican 3-Wheel Broom Sweepes" model manufactured by Elgin Sweeper Co. (or equivalent approved by EPA and the State of Illinois), and it shall replace a sweeper currently used by Granite City and include skirting around the brooms and sweeper perimeter, new waterless filter technology, and improved technology for capturing particulate matter.

C. The Granite City Street Sweeper SEP shall be completed within one year after the Effective Date, provided that this date may be extended by mutual agreement of U. S. Steel, the United States, and the State of Illinois in writing.

II. Replacement of Lighting Ballasts and Light Bulbs in Public Schools in Gary, Indiana and Detroit/Ecorse/River Rouge, Michigan

A. U. S. Steel shall provide for the removal and proper disposal of fluorescent lighting ballasts that may contain polychlorinated biphenyls (PCBs) and the replacement and installation of new energy-efficient, PCB-free replacement lighting ballasts and light bulbs for public schools within the Gary Community Schools Corporation, in Gary, Indiana, and public schools in Ecorse, River Rouge, and Southwest Detroit in Michigan ("School Lighting Replacement SEP"). The focus of the School Lighting Replacement SEP is to protect the environment and public health by facilitating the safe identification, removal, and disposal of energy-inefficient lighting ballasts that may contain PCBs, and their replacement with energy efficient, non-toxic alternative lighting fixtures. The School Lighting Replacement SEP shall: seek to reduce the use of lighting ballasts that may contain PCBs in schools housing children (persons under the age of 18), including day-care centers and early childhood centers; ensure that equipment that may contain PCBs that is removed in this project is handled and disposed (removed from commerce) in accordance with applicable federal regulations under 40 C.F.R. Part 761; and reduce energy demand through installation of energy-efficient lighting that contributes towards reduction in compounded toxics in the energy sector.

B. U. S. Steel shall expend $500,000 to implement this SEP for public schools in Gary, Indiana, and $500,000 to implement this SEP for public schools in Ecorse, River Rouge, and Southwest Detroit.

C. U. S. Steel shall consult with the Gary Community Schools Corporation with respect to public schools in Gary, Indiana, and the Michigan Agency for Energy with respect

to public schools in Ecorse, River Rouge, and Southwest Detroit, Michigan to identify and prioritize schools that will receive lighting ballast replacements due to the presence at such schools of lighting ballasts that may contain PCBs (likely for schools built before 1979 that have not had extensive lighting retrofits since 1979 and are using T-12 magnetic lighting ballasts). Priority for lighting ballast replacement should be given to those schools with a significant number of students who qualify for a reduced or free lunch program.

D. All replacement lighting ballasts and light bulbs shall be electronic and shall have an energy efficiency that is equivalent to or better than T-8 (based on energy efficiency standards set by the U. S. Department of Energy) with preference given to LED light fixtures, if feasible.

E. Lighting ballasts removed under this SEP shall be assumed to have PCB waste and shall be properly disposed of in accordance with 40 C.F.R. Part 761, unless such ballasts are clearly marked or labeled to have no PCBs.

F. The School Lighting Replacement SEP shall be completed within two years after the Effective Date, provided that this date may be extended by mutual agreement of U. S. Steel, the United States, Indiana, and the Michigan Department of Environmental Quality in writing.

G. In addition to the information specified in Paragraph 47 of the Decree, U. S. Steel shall provide in the School Lighting Replacement SEP Completion Report:

i. A detailed description of the School Lighting Replacement SEP as completed, including the identification of the schools addressed under this Joint SEP along with the number of students and locations of the schools, a list of the expenditures of funds, and the number of fixtures with replaced lighting at each school;

ii. A description of the replacement lighting, including information on expected energy savings, if available; and

iii. Records demonstrating that the lighting ballasts were properly disposed of in accordance with 40 C.F.R. Part 761.

III. City of Detroit Roadside Vegetative Particulate Buffer Project

A. U. S. Steel shall provide for the installation of roadside vegetative buffers on public land adjacent to high-traffic roadways in Southwest Detroit designed to reduce transport of particulate matter emissions from such traffic to improve downwind air quality ("Roadside Vegetative Particulate Buffer SEP"). Roadside vegetation has been shown to reduce a population's exposure to air pollution through the interception of airborne particles or through the uptake of gaseous air pollution via leaf stomata on the plant surface in addition to affecting pollutant transport and dispersion.

B. U. S. Steel shall provide for the design and implementation of the vegetative particulate buffers at locations in Southwest Detroit identified by the City of Detroit and Greening of Detroit.

C. Vegetation design and planting considerations. U. S. Steel shall provide for the design and implementation of the vegetative particulate buffers identified by the City of Detroit and Greening of Detroit to take into consideration use of plant species and planting locations to achieve particulate reductions. Where possible, the vegetation chosen for a buffer shall not be subject to significant changes in characteristics and integrity during changing seasons.

D. U. S. Steel shall expend $400,000 to implement this Joint SEP. Such costs may include the purchase of trees, bushes, shrubs, other vegetation, soil, mulch, fertilizer, watering services, landscape design services, and installation labor.

E. The Roadside Vegetative Particulate Buffer SEP shall be completed within two years after the Effective Date, provided that this date may be extended by mutual agreement of U. S. Steel, the United States, and the Michigan Department of Environmental Quality in writing.

F. In addition to the information specified in Paragraph 47 of the Decree, U. S. Steel shall provide in the Roadside Vegetative Particulate Buffer SEP Completion Report:

i. a description of the areas where the vegetative particulate buffers were installed;

ii. a copy of the planting plan that was implemented under the Joint SEP;

iii. a list of the expenditures of funds; and

iv. an identification and quantity of the tree species and other vegetation planted.

APPENDIX B

U. S. Steel shall comply with the requirements of this Appendix in fulfilling its obligations under Section VII of the Consent Decree with regard to State supplemental environmental projects ("State-Only SEPs").

I. INDIANA - Waste Tire Removal and Disposal Project in Gary, Indiana

A. The Waste Tire Removal and Disposal Project is designed to protect the environment and public health by identifying, removing, and properly disposing of waste tires that have been improperly or illegally deposited at sites located in Gary, Indiana.

B. U. S. Steel shall spend $70,000 to implement the Waste Tire Removal and Disposal Project within the City of Gary.

C. U. S. Steel shall consult with the City of Gary's Director of Green Urbanism, Brenda Scott-Henry or other Green Urbanism designee and Cheryl Wiseman of IDEM's Northwest Regional Office or other IDEM designee to implement the Waste Tire Removal and Disposal Project as follows:

1. The City has agreed to identify and compile a list of illegal waste tire sites within the City of Gary (the "Waste Tire Priority List") and consult with IDEM to prioritize the list with respect to the order of the waste tire removal, and to provide that list to U. S. Steel.
2. U. S. Steel or its third party contractor ("Contractor") shall remove and properly dispose of tires in order of priority according to the Waste Tire Priority List.

3. U. S. Steel or its Contractor shall ensure that the waste tires that are removed from sites pursuant to the Waste Tire Priority List are disposed of in compliance with all of the requirements of local, state and federal law.

4. The Project shall be completed no later than one year from the Effective Date, provided that this date may be extended by mutual agreement of the City, U. S. Steel and the State of Indiana in writing.

5. In addition to the information and documentation submitted in accordance with the State-Only SEP requirements in Paragraph 50, as part of U. S. Steel's Completion Report for this Project, U. S. Steel shall provide sufficient information and documentation to IDEM to demonstrate that the Waste Tire Removal and Disposal Project has been completed in accordance with the Consent Decree, including:

i. the approximate number of tires removed from sites within the City of Gary and the location of those sites;

ii. the location of the site(s) where the tires were properly disposed; and

iii. information demonstrating compliance with the disposal requirements of local, state and federal law.

D. U. S. Steel shall have the option to consult with IDEM and Green Urbanism to implement the recycling of tires into the Waste Tire Removal and Disposal Project.

II. ILLINOIS - Granite City School Doors Replacement Project

A. U. S. Steel shall provide funding for the replacement of exterior doors at schools that are part of the Granite City Community School District with LEED-certified, insulated, vinyl-clad doors for the purpose of improving energy efficiency at such schools (Granite City School Doors Replacement Project).

B. U. S. Steel shall expend $110,000 on the implementation of this Project.

C. U. S. Steel shall make the funding contingent on:

i. the funds being spent by no later than two years from the Effective Date, which date may be extended by Illinois EPA in its sole discretion; and

ii. the recipients providing sufficient documentation to demonstrate that the funds were spent on replacing exterior doors at schools that are part of the Granite City Community School District with LEED-certified, insulated, vinyl-clad doors.

D. U. S. Steel's Completion Report for this Project shall include, in addition to the requirements of Paragraph 50:

i. identification of the schools where the doors were replaced and the number of doors replaced at each school; and

ii. to the extent possible, a description of the benefits associated with the Project and an explanation of how such benefits were measured or estimated.

E. The Granite City School Doors Replacement Project shall be complete upon the State's approval of the Completion Report for this Project and U. S. Steel's meeting all other conditions of Paragraph 50.

III. ILLINOIS – Granite City Greenway Project

A. U. S. Steel shall provide funding to the City of Granite City Parks and Recreation Department for the creation of a greenway consisting of tree planting and other landscaping along the Nameoki Ditch and other areas, if appropriate, within Granite City, and the creation and maintenance of a transit bike trail as part of the greenway (Granite City Greenway Project).

B. U. S. Steel shall expend $50,000 on the implementation of this Project.

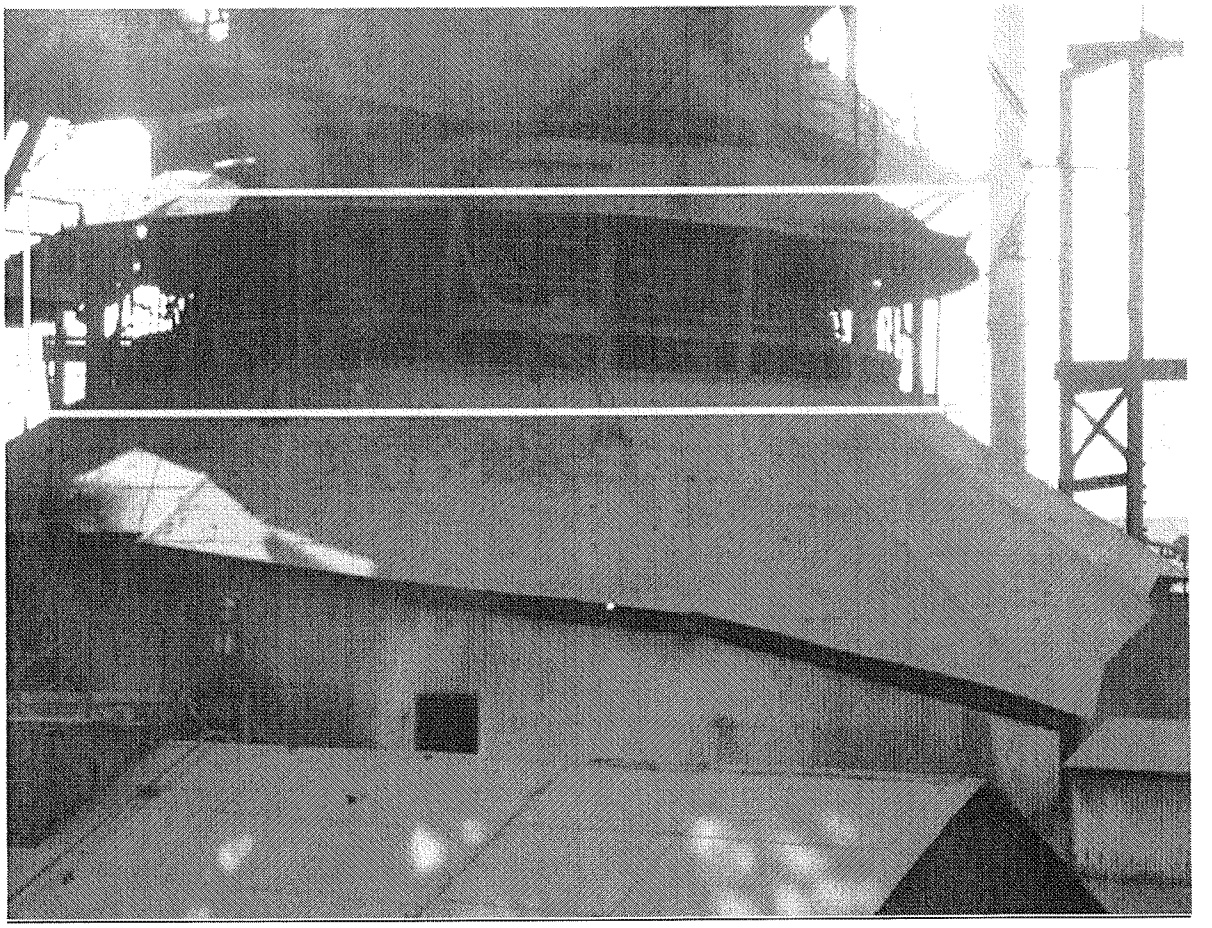
C. U. S. Steel shall make the funding contingent on:

i. the funds being spent by no later than two years from the Effective Date; and

ii. the recipient providing sufficient documentation to identify the locations and contents of all activities associated with the greenway.

D. The Granite City Greenway Project shall be complete upon the State's approval of the Completion Report for this Project and U. S. Steel's meeting all other conditions of Paragraph 50.

APPENDIX C



Area to be enclosed in Blast Furnace No. 6 at Gary Works Facility (see Paragraph 13)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA, STATE OF INDIANA, MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, and STATE OF ILLINOIS	)	
Plaintiffs,	)	
v.	)	CAUSE NO. 2:12-CV-304-PPS-APR
UNITED STATES STEEL CORPORATION,	)	
Defendant.	)	

OPINION AND ORDER

The parties to this long running environmental dispute seek the Court's approval of a proposed consent decree that would end this litigation. [*See* DE 125-1; DE133.] The Plaintiffs—the Environmental Protection Agency, the Michigan Department of Environmental Quality, the State of Indiana, and the State of Illinois—all agree with the proposed disposition, as does the defendant, United States Steel Corporation.

First, some background. U.S. Steel is headquartered in Pittsburgh and is a major global iron and steel producer that manufactures steel sheet and tubular products. The Plaintiffs filed this action on August 1, 2012, alleging that U.S. Steel violated the Clean Air Act by exceeding opacity limits in the Clean Air Act's National Emissions Standards for Hazardous Air Pollutants ("NESHAP") regulation, relevant State Implementation Plans, and/or U.S. Steel's permits issued under Title V of the Act. Other claims alleged violations of operations requirements in applicable Operations and Maintenance Plans,

the NESHAP regulations, relevant State Implementation Plans, and U.S. Steel's Title V Permits. [DE 1.] In the Summer of 2014, after almost two years of hard-fought litigation, the Court granted the parties' request for time to allow settlement discussions to take place. [DE 93.]

After over two years of settlement discussions, and with the helpful assistance of Magistrate Judge Andrew Rodovich, a proposed settlement was reached and a Notice of Lodging of Consent Decree was filed on November 11, 2016. [DE 125.] The proposed Consent Decree resolves the allegations in the Complaint filed under the Clean Air Act and in the notices of violations referenced in the proposed Consent Decree. Consistent with Department of Justice regulations (28 C.F.R. § 50.7), the government invited public comment on the proposed Consent Decree for a period of thirty days before seeking judicial approval. [DE 125 at 1.] The proposed Consent Decree was noticed in the Federal Register. *See* 81 Fed. Reg. 86,014, 2016 WL 6947816 (Nov. 29, 2016). Copies of the proposed Consent Decree were made available by mail and on a Department of Justice Website: https://www.justice.gov/enrd/consent-decrees. *Id.* On December 29, 2016, comments were received from three citizen groups in Michigan—the Detroiters Working for Environmental Justice, the Great Lakes Environmental Law Center, and the Southwest Detroit Environmental Vision—and Michigan State Representative Stephanie Chang. [*See* DE 134-1; DE 134-2.] The government filed responses to those comments along with its motion. [*See* DE 134-3; *see also* DE 134-4; DE 134-5.]

Under the proposed Consent Decree, U. S. Steel agrees to 1) undertake measures to reduce pollution at its three Midwest iron and steel manufacturing plants in Gary, Indiana (Gary Works Facility), Ecorse, Michigan (Great Lakes Works Facility), and Granite City, Illinois (Granite City Works Facility); 2) perform seven Supplemental Environmental Projects at a total cost of $1.9 million to protect human health and the environment in the communities affected by U. S. Steel's pollution; 3) expend at least $800,000 for a project to dispose of PCB-contaminated transformers at its Gary Works and Great Lakes Works Facilities; and 4) pay a $2.2 million civil penalty. [*See* DE 125-1.] Pursuant the proposed Consent Decree, the Court will retain jurisdiction over this case until termination of the Consent Decree for the purposes of resolving disputes under the Consent Decree or entering orders modifying the Consent Decree pursuant to Sections XIV and XX of the Consent Decree, or effectuating or enforcing compliance with the terms of the Consent Decree. [DE 125-1 at 63.]

The Court has considerable discretion in determining whether settlement is fair and reasonable. *Madison Cnty. Jail Inmates v. Thompson*, 773 F.2d 834, 845 (7th Cir. 1985). "A court's review of a consent decree is not a mechanical rubberstamp, but neither is it a de novo review." *United States v. Bayer Healthcare, LLC.*, No. 2:07-CV-304, 2007 WL 4224238, at *3 (N.D. Ind. Nov. 28, 2007) *(citing United States v. Cannons Eng'g Corp.*, 899 F.2d 79, 84 (1st Cir. 1990)). Instead, the court gives deference both to the agency and its work in fashioning the decree with the agreement of the other parties, as well as the federal policy encouraging settlement. *United States. v. George A. Whiting Paper Co.*, 644

F.3d 368, 372 (7th Cir. 2011). This especially is the case when there is transparency in negotiations that involved numerous parties with sharply conflicting interests represented by knowledgeable lawyers who have hammered out an agreement at arm's length. *Cannons Eng'g Corp.*, 899 F.2d at 84. "The relevant standard, after all, is not whether the settlement is one which the court itself might have fashioned, or considers as ideal." *Id.* Rather, the consent decree must be fair, reasonable, and faithful to the objectives of the governing statute. *See George A. Whiting Paper Co.*, 644 F.3d at 372.

It is through this lens that I review the proposed Consent Decree and the related filings, including the comments submitted by three Michigan citizen groups and State Representative Chang and the government's responses to those comments. I find that the proposed Consent Decree is procedurally and substantively fair. Looking at its procedural history, the proposed Consent Decree is the result of several years of arms-length negotiations that were conducted in manifest good-faith. Furthermore, the proposed Consent Decree was made available for public comment and the comments that were received were addressed in turn by the government.

The proposed Consent Decree is substantively fair because it holds U.S. Steel accountable for its alleged non-compliance at the three facilities at issue. The proposed Consent Decree contains a comprehensive array of injunctive relief that will address the fundamental causes of U. S. Steel's alleged violations and will help to prevent similar non-compliance at the three facilities in the future. The proposed Consent Decree also contains provisions for a substantial civil penalty for U. S. Steel's past alleged violations;

provisions for seven SEPs to further reduce air pollution in the surrounding areas of the three plants, benefitting the communities in or near those areas most affected by U. S. Steel's pollution; and provisions for a project intended to reduce the environmental hazards (namely, PCBs) present in transformers at U. S. Steel's facilities. Further, under the proposed Consent Decree, U. S. Steel is subject to a stringent set of stipulated penalties that hold it accountable for its future performance. In addition, the settlement avoids the need for litigation, which in environmental cases tends to be complex, lengthy, and expensive for all parties. There is no opposition to the settlement among the affected parties, and the opinion of their competent counsel is in favor of the proposed Consent Decree. In sum, all known information points to a consent decree with terms that are substantively fair.

I find that the proposed Consent Decree also is reasonable. The reasonableness requirement is "a multifaceted exercise" that tends to focus on the agreement's effectiveness, the extent to which it satisfactorily compensates the public for the actual (and anticipated) costs of remedial and response measures, and the relative strengths of the parties' litigating positions. *Cannons Eng'g Corps*, 899 F.2d at 89-90. The proposed Consent Decree appears to be reasonable for many of the reasons relating to substantive fairness. It holds U.S. Steel accountable for its alleged non-compliance at the three facilities at issue and includes not only penalties and remedies for alleged past violations, but also SEPs to better the community in the present and future. Furthermore, the proposed Consent Decree holds U.S. Steel accountable for its future

performance through a stringent set of stipulated penalties. The proposed Consent Decree's enhanced monitoring and reporting requirements will improve the accuracy of information about the nature and extent of U.S. Steel's compliance with the Clean Air Act and other applicable laws and permits. All of these measures will help clean the environment and further the goals of the Clean Air Act.

Finally, I find that the proposed Consent Decree is consistent with applicable law and the public interest. Entry of the proposed Consent Decree serves the public interest by providing environmental benefits more quickly and at less costs than could be achieved through litigation. The parties have been litigating this action for over four years and it took them over two years to reach this settlement. The only likely alternative to the proposed Consent Decree would be more complex and potentially protracted litigation that would expend limited governmental and judicial resources, which is a risky proposition with uncertain results, especially given the history of this action. Furthermore, the injunctive relief required by the proposed Consent Decree, with the anticipated consequent emissions reductions, is consistent with the primary purpose of the Clean Air Act, to "protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." *See* 42 U.S.C. § 7401(b)(1).

I acknowledge and am sympathetic to the concerns reflected in the comments of the Michigan citizen groups and Representative Stephanie Chang regarding additional steps and changes to the proposed Consent Decree that they would like in order to

protect the health of the public and the environment. While I agree that several of the changes advocated by the commenters would be desirable in the abstract and potentially go further to achieve the commenters goals than what is proposed in the Consent Decree, I do not find that the absence of the suggested changes requires me to deny the United States' Unopposed Motion to Enter Proposed Consent Decree.

Could the agreement be different? Of course. Could it demand more from U.S. Steel by way of a fine, for example? Again, of course it could. But making such a demand may have caused U.S. Steel to walk away from the bargaining table and set the parties on a course of protracted litigation. This is to say that there is no single fair and reasonable resolution, but rather a range of them. And, in my judgment, the Consent Decree proposed in this case is plainly within that range.

ACCORDINGLY:

The United States' Unopposed Motion to Enter Proposed Consent Decree is **GRANTED** [DE 133] and via this Opinion and Order and my signature of page 66 of the Proposed Consent Decree, the Consent Decree is hereby approved, signed, and entered as a final judgment in this matter.

SO ORDERED.

ENTERED: March 30, 2017.

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/24/2017 6:46:00 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods

FYI – CAFO with CBI appendices was just submitted to EAB. Copies of filings have been sent to Jennifer and John.

Also – I just wanted to pass along that Todd Stedeford really stepped up to the plate on CBI, etc.

Now I guess we wait to hear from the Board.

Thanks,
Laura

From: Fogarty, Johnpc
Sent: Monday, January 23, 2017 6:20 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Stedeford, Todd <Stedeford.Todd@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>
Subject: RE: Whole Foods

Thx!!

From: Welles, Laura
Sent: Monday, January 23, 2017 5:59 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Stedeford, Todd <Stedeford.Todd@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>
Subject: Whole Foods

The EPA/Whole Foods Market consent agreement with non-CBI appendices, was submitted to EAB (along with EAB memo, proposed final order with certificate of service). I will supplement the filing tomorrow morning with CBI appendices, etc.

Many thanks to Todd and Mark for all their help in getting this to the EAB.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/20/2016 3:32:42 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Automatic reply: EPA / WFM check-in call

Thank you for your email. I am out of the office, with little or no access to email, on December 19th. If you need to reach someone immediately, please contact my assistant, Jackie Flores, at JFlores@KingWilliamsLaw.com or 916.379.7530. Otherwise, I will respond to your message as soon as possible. Thank you.

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 1/24/2017 12:54:52 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
CC: Stedeford, Todd [Stedeford.Todd@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]
Subject: RE: Whole Foods

Woo hoo! Streamers! Horns! Confetti!

I am not sure if this in fact "in record time," but it has got to be in the running. Way to go, Laura.
-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Monday, January 23, 2017 5:59 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Stedeford, Todd <Stedeford.Todd@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>
Subject: Whole Foods

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Many thanks to Todd and Mark for all their help in getting this to the EAB.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/20/2016 3:29:33 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]

Subject: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM
Show Time As: Tentative

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 3/26/2017 5:59:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
Subject: RE: Whole Foods CAFO Conference Call, March 31, 2017

Michelle:

I'll be on the call as well.

Thanks,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, (3) strictly confidential, or read and/or processed by another individual on my behalf. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, March 24, 2017 11:57 AM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: Whole Foods CAFO Conference Call, March 31, 2017

Michelle,

Thank you for your email. OECA will be on the call next Friday (3/31).

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Wenisch, Michelle
Sent: Friday, March 24, 2017 10:04 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods CAFO Conference Call, March 31, 2017

Hi all, I wanted to reconfirm our conference call for next Friday, March 31st, at 3 p.m. EDT. I will be the one on the call for the Board, as lead attorney on this matter.

In addition, I wanted to follow up on the earlier request that either Rosemarie Kelley or Susan Shinkman participate in the call. They should feel free to join, but please let them know that they do not need to, given the participation by other OECA representatives.

Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122

Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 3/24/2017 3:24:50 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Subject: RE: Whole Foods CAFO Conference Call, March 31, 2017

Thank you, Michelle. I am planning to participate.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Friday, March 24, 2017 7:04 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Subject: Whole Foods CAFO Conference Call, March 31, 2017

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In addition, I wanted to follow up on the earlier request that either Rosemarie Kelley or Susan Shinkman participate in the call. They should feel free to join, but please let them know that they do not need to, given the participation by other OECA representatives.

Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
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Washington, D.C. 20460
(202) 233-0122

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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 7:24:45 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
CC: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: EPA/Whole Foods -- copy of state notice and courier address
Attachments: State Notice_Whole Foods Market_CT.pdf

Jennifer,

Attached is a copy of the state notice that is going to states regarding this matter.

The courier address for the package to be sent with original CA, appendices, etc. is

USEPA Headquarters
William Jefferson Clinton Building (South)
1200 Pennsylvania Avenue, N.W.
Room Number 4109A
Washington, DC 20004

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Robert Isner, Director
Waste Engineering and Enforcement Division
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Isner:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 5:57:05 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

I hope you're not checking your phone, but if you are, the EAB package is with Rosemarie for review. I'm about to send out the state notice letters via email.

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 10:00 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Fwd: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Looks like we are good to go (I hope)!

Sent from my iPhone

Begin forwarded message:

> **From:** "Jennifer Hartman King" <JHartmanKing@kingwilliamslaw.com>
> **To:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Welles, Laura" <Welles.Laura@epa.gov>
> **Cc:** "John Hempfling (CE CEN)" <John.Hempfling@wholefoods.com>, "Aminah Famili" <AFamili@kingwilliamslaw.com>, "Anna Brown" <ABrown@kingwilliamslaw.com>
> **Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison**
>
> Dear Laura and John,
>
> Attached, please find the CAFO with WFM's signature. As Laura and I discussed today, I understand this will allow you to seek signatures on your end tomorrow. I expect to receive WFM's "wet" signature copy on Friday morning. If all goes according to plan, I will package it with all of the exhibits (the redacted and the non-redacted versions), and mail everything to Laura for delivery on Monday morning. She will then hand-deliver the filing to EAB and serve all parties.
>
> Laura, as promised, I have attached a document comparison showing the minor nits that we addressed in the CAFO today. All the other documents are unchanged substantively, but we have beefed up the CBI language in an abundance of caution to address 40 CFR 22.5(d). We will send you a Dropbox link shortly will all of the final documents.
>
> If you need anything further from me, please do not hesitate to reach out. The best number to reach me tomorrow will be on my cell phone (916.616.4378).
>
> Thanks so much,
> Jennifer
>
> Jennifer Hartman King, Managing Partner
> [King-Williams-1-and-a-half-inch-logo]

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email:
JHartmanKing@KingWilliamsLaw.com<mailto:JHartmanKing@KingWilliamsLaw.com>

Website: www.KingWilliamsLaw.com<http://www.kingwilliamslaw.com/>
Click Here for King Williams LLP News and Alerts<http://www.kingwilliamslaw.com/news-alerts/>

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<image001.gif>

<USEPA CAFO (WFM Executed) (00014446xD64DF).pdf>

<USEPA CAFO (Doc Compare bt 1-17-17 Final Draft and 1-18-17 Final) (00014447xD64DF).docx>

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/12/2017 9:49:34 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: We'll need some kind of estimate from WF for the quantity of waste for this settlement

Just spoke with John and he says we should be getting the SEP appendix today (he just reviewed and sent to Jennifer -- he didn't have any comments).

I also asked him for the info below -- he's tracking it down.

-----Original Message-----
From: Fogarty, Johnpc
Sent: Thursday, January 12, 2017 2:22 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: We'll need some kind of estimate from WF for the quantity of waste for this settlement

For our GPRA reporting - an average # of pounds per store of HW managed * the number of stores will work.

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/12/2017 8:20:41 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: We'll need some kind of estimate from WF for the quantity of waste for this settlement

Yep -- I'll get the info from them.

-----Original Message-----
From: Fogarty, Johnpc
Sent: Thursday, January 12, 2017 2:22 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: We'll need some kind of estimate from WF for the quantity of waste for this settlement

For our GPRA reporting - an average # of pounds per store of HW managed * the number of stores will work.

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 12/14/2016 1:14:12 AM
To: John.Hempfling@wholefoods.com; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]

Subject: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM
Show Time As: Tentative

Recurrence: (none)

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Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 12/13/2016 7:01:27 PM
To: Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]; Aminah Famili [AFamili@kingwilliamslaw.com]
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Revised Draft Third Party Audit Provisions

I've got a 3:30 pm CDT call. Why don't y'all just have the call when it works for everyone else and I'll have Jenn loop me back in. I'm sorry for causing confusion. I'd rather keep this thing moving and I don't think y'all need my sage advice on this anyway.

Thanks!

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, (3) strictly confidential, or read and/or processed by another individual on my behalf. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

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From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, December 13, 2016 10:22 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Aminah Famili <AFamili@kingwilliamslaw.com>
Subject: Re: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Revised Draft Third Party Audit Provisions

Hi, John. It turns out that John H. is not available earlier in the day. We're looking at possibly moving the call one hour later. If it works for John H., would 4:00 pm eastern work for you and Laura? I'm really sorry for the inconvenience.

Sent from my iPhone

On Dec 13, 2016, at 5:03 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

> Thanks, Jennifer. Will look at moving the time up on Thursday and let you all know.
>
> **From:** Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
> **Sent:** Monday, December 12, 2016 10:19 PM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John.Hempfling@wholefoods.com

Cc: Aminah Famili <AFamili@kingwilliamslaw.com>
Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Revised Draft Third Party Audit Provisions

Dear John and Laura,

Attached, please find a mark-up showing our proposed revisions to the draft third party audit provisions, in addition to a clean version of the revised document.

Also, I apologize for the inconvenience, but I am wondering whether it would be possible to move the call we have scheduled for Thursday to noon central / 1:00 p.m. eastern (or earlier, if that is better for everyone). If not, I will make the original time work. Thank you.

My best,
Jennifer

Jennifer Hartman King, Managing Partner

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
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Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/19/2017 5:01:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Aminah Famili [AFamili@kingwilliamslaw.com]; Anna Brown [ABrown@kingwilliamslaw.com]
Subject: Re: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Yes, my understanding is the original is in blue, but I'm waiting on confirmation and will let you know when we have it.

Sent from my iPhone

On Jan 19, 2017, at 5:16 AM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Thank you Jennifer. I will get things started on my end. I just want to confirm that the original signatures for WFM are in blue ink (I couldn't tell from the pdf).
>
> Thanks,
> Laura
>
> Laura Welles
> Attorney Advisor
> Waste and Chemical Enforcement Division
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> (202) 564-2754
>
> ---
>
> **From:** Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
> **Sent:** Wednesday, January 18, 2017 9:53 PM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
> **Cc:** John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Aminah Famili <AFamili@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
> **Subject:** [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison
>
> Dear Laura and John,
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>
> Laura, as promised, I have attached a document comparison showing the minor nits that we addressed in the CAFO today. All the other documents are unchanged substantively, but we have beefed up the CBI language in an abundance of caution to address 40 CFR 22.5(d). We will send you a Dropbox link shortly will all of the final documents.
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> If you need anything further from me, please do not hesitate to reach out. The best number to reach me tomorrow will be on my cell phone (916.616.4378).
>
> Thanks so much,
> Jennifer

Jennifer Hartman King, Managing Partner
<image002.png>

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
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Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/19/2017 4:31:35 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Aminah Famili [AFamili@kingwilliamslaw.com]; Anna Brown [ABrown@kingwilliamslaw.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Good morning, Laura. You are correct that WFM does not have any stores in those states.

Sent from my iPhone

On Jan 19, 2017, at 8:28 AM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Jennifer or John,
>
> I'm about to send state notices and I just want to confirm that there are no WFM stores in the following states: Vermont, West Virginia, Montana, South Dakota, North Dakota, Wyoming, and Alaska.
>
> Thanks,
> Laura
>
> ---
>
> **From:** Welles, Laura
> **Sent:** Thursday, January 19, 2017 8:17 AM
> **To:** 'Jennifer Hartman King' <JHartmanKing@kingwilliamslaw.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Cc:** John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Aminah Famili <AFamili@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
> **Subject:** RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison
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>
> Thanks,
> Laura
>
> Laura Welles
> Attorney Advisor
> Waste and Chemical Enforcement Division
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> (202) 564-2754
>
> ---
>
> **From:** Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
> **Sent:** Wednesday, January 18, 2017 9:53 PM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
> **Cc:** John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Aminah Famili <AFamili@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
> **Subject:** [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison
>
> Dear Laura and John,

Attached, please find the CAFO with WFM's signature. As Laura and I discussed today, I understand this will allow you to seek signatures on your end tomorrow. I expect to receive WFM's "wet" signature copy on Friday morning. If all goes according to plan, I will package it with all of the exhibits (the redacted and the non-redacted versions), and mail everything to Laura for delivery on Monday morning. She will then hand-deliver the filing to EAB and serve all parties.

Laura, as promised, I have attached a document comparison showing the minor nits that we addressed in the CAFO today. All the other documents are unchanged substantively, but we have beefed up the CBI language in an abundance of caution to address 40 CFR 22.5(d). We will send you a Dropbox link shortly will all of the final documents.

If you need anything further from me, please do not hesitate to reach out. The best number to reach me tomorrow will be on my cell phone (916.616.4378).

Thanks so much,
Jennifer

Jennifer Hartman King, Managing Partner
<image001.png>

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 12/12/2016 4:20:18 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: WFM - draft CAFO

I'm hoping to get the revised draft CAFO to you today by early to mid-afternoon.

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/18/2017 10:55:24 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Stedeford, Todd [Stedeford.Todd@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods CAFO

FYI – I just got off the phone with WF's counsel and she is expecting to get the signatures tonight and so I'll have a pdf of the CAFO with WF's signatures tomorrow morning.

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:17 PM
To: Stedeford, Todd <Stedeford.Todd@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: Whole Foods CAFO

Todd – You will be physically present tomorrow?

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:16 PM
To: Stedeford, Todd <Stedeford.Todd@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Whole Foods CAFO

Todd:

We are still waiting for WF signature page on the CAFO. They are on pacific time so it may come in later this evening.
I can sign today as a placeholder in case we are provided signature this evening and then both signatures will be on the same day.
However if we do not get it until tomorrow, could you please sign as Acting DD?

Laura and John will both be available for any questions.

Thank you
Diana

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA

1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 1/3/2017 4:00:11 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: EPA/Whole Foods Market -- Checking in re: CAFO

Good morning, Laura and John. Yes, we should be able to have the revised CAFO to you in the next day or so.

I hope you both enjoyed the holidays.

Sent from my iPhone

On Jan 3, 2017, at 6:52 AM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Hi John and Jennifer,
>
> We hope you both had a good holiday season. We wanted to check in with you about the status of the revised CAFO. It's our understanding that you were going to incorporate the revisions discussed and agreed to on 12/21 and then send us the revised draft to review. Will you be sending us the revised draft in the next day or two? We want to get a sense of the timing so that we can coordinate things on our end. Once we get the revised draft, we should be able to review and turn the document around in less than a day.
>
> Thanks,
> Laura
>
> Laura Welles
> Attorney Advisor
> Waste and Chemical Enforcement Division
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> (202) 564-2754

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Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 3/15/2017 3:03:57 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Hey Michelle:

Sorry for the late response. Let's just go with the 3-3:30 EDT time. I think that'll work for me.

Best,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 7:23 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; Welles, Laura <Welles.Laura@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Thank you, John. If it would help, we could push the call back to 4 or 4:30 p.m. EDT, since OECA is available until 5 p.m. EDT. Please advise. Thank you, Michelle

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Tuesday, March 14, 2017 6:24 PM
To: Wenisch, Michelle; Jennifer Hartman King; Welles, Laura; Fogarty, Johnpc
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Maybe one day I will figure out how to read a calendar. Just realized I'm in a court-mandated mediation on 3/31. With that said, let's go ahead and schedule the call for 3/31 at 3-3:30 pm EDT as I have a feeling it's going to be a short mediation. If I get stuck, Jenn can take the call solo for our side.

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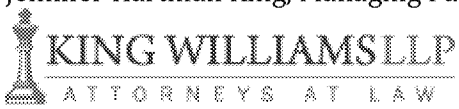
From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 4:29 PM
To: Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Yes, EDT, thank you!

From: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Sent: Tuesday, March 14, 2017 5:20 PM
To: Wenisch, Michelle; Welles, Laura; John Hempfling (CE CEN); Fogarty, Johnpc
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I'm assuming you mean 3:00 – 3:30 pm EDT (please let me know if I'm incorrect about this). That time works for me. Based on an earlier email, I think that works for John, as well. John?

Jennifer Hartman King, Managing Partner



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916-379-7533 – Direct dial
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Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 2:09 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Thank you, Laura. I propose 3 to 3:30 p.m. on Friday, March 31 -- will that work for Whole Foods? Thanks, Michelle

---

From: Welles, Laura
Sent: Tuesday, March 14, 2017 5:00 PM
To: Wenisch, Michelle; Jennifer Hartman King; John Hempfling (CE CEN); Fogarty, Johnpc
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Hi Everyone,

It sounds like Friday, March 31 may work. Here is OECA's availability for March 31: 11 to 12 EST, 1 to 2 pm EST, and 3 to 5pm EST.

It's my understanding from earlier emails that John is wide open on 3/31 and Jennifer indicated that she can rearrange her schedule to meet on 3/31.

Please confirm.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

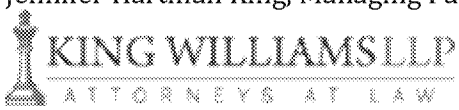
From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 3:49 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hello everyone, March 24 is not a possibility due to prior fixed obligations, but if March 31 works for everyone else, then I will rearrange my schedule to make that work. Alternatively, April 3, 4, or 5 are also possibilities. I can be available any time on any of those four days. Thank you, Michelle

From: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Sent: Tuesday, March 14, 2017 3:35 PM
To: John Hempfling (CE CEN); Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

March 24th works for me.

Jennifer Hartman King, Managing Partner



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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 12:31 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I'll be on and off planes on March 24, but if Jenn is available she can handle the call and just fill me in later.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
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Austin, Texas 78703
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Subject: RE: Whole Foods Consent Agreement: Follow-up Call

In an attempt for this to possibly happen before April, does the afternoon (eastern time) on Friday March 24th work for folks? I'll be horribly jet-lagged then but would prefer that over letting this slip a couple of additional weeks.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, March 14, 2017 2:41 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can be available any time on April 6th.

Jennifer Hartman King, Managing Partner

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Sacramento, CA 95814
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Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can do April 6 at any time ***except*** 11-noon am EDT and 1-2:30 EDT.

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
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To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hi all, I am not available on the 31st. How about Tuesday April 4 or Thursday April 6 -- any availability on either of those days? Thank you, Michelle

---

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Tuesday, March 14, 2017 2:13 PM
To: Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura; Jennifer Hartman King
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I've got either depo prep or depos most of the week of March 27, but I'm wide open right now on Mar. 31 (Friday of that week).

John H. Hempfling II
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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 1:01 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Michelle, I am out of the office next week and Susan Shinkman would like for me to be present, so this would need to shift to the week of the 27th. Thanks!

From: Wenisch, Michelle
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To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods Consent Agreement: Follow-up Call

Dear Mr. Fogerty, Ms. Welles, Mr. Hempfling, and Ms. Hartman King:

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Please let me know your availability for a call next Tuesday or Thursday March 21 or 23. We also request that either Susan Shinkman or Rosemarie Kelley be on the call for OECA.
Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122
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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 3/14/2017 7:34:41 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Afternoon of 3/24 works for me.

From: Fogarty, Johnpc
Sent: Tuesday, March 14, 2017 3:29 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
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Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can be available any time on April 6th.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

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Sacramento, CA 95814
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To: Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura; Jennifer Hartman King
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

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Subject: RE: Whole Foods Consent Agreement: Follow-up Call

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Subject: Whole Foods Consent Agreement: Follow-up Call

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Please let me know your availability for a call next Tuesday or Thursday March 21 or 23. We also request that either Susan Shinkman or Rosemarie Kelley be on the call for OECA.
Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122
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Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 3/14/2017 7:31:12 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Yes - I know...

From: Fogarty, Johnpc
Sent: Tuesday, March 14, 2017 3:12 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Ok for the love of god. April 6th?

From: Welles, Laura
Sent: Tuesday, March 14, 2017 2:55 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Makes sense.

From the emails, it looks like we are now into April – I can make anytime work for 4/6.

Hopefully by 4/6 the H-D motion to enter CD will be filed...

From: Fogarty, Johnpc
Sent: Tuesday, March 14, 2017 1:59 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Susan would like to have this when I am around, so I will let Michelle know that.

From: Welles, Laura
Sent: Tuesday, March 14, 2017 11:08 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: Whole Foods Consent Agreement: Follow-up Call

Interesting... I know you'll be on vacation later this week into next week – are you back on Thursday (3/23)? Let me know whether Susan or Rosemarie (or both) will be on the call? Once I hear from you, I'll check calendars and get back to Michelle re: availability.

From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
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Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/8/2016 10:16:16 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: WF penalty calculations?

I know you did some a little while ago, but I cannot seem to find them. Can you please re-send that?
Thx!

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 12/1/2016 9:57:04 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates (plus revised CAFO)

That'll be great - thanks. Laura and I can hold the afternoon (between noon and 5pm east coast time) of Thursday the 8th open, so any time within that block will work.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Thursday, December 01, 2016 4:36 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates (plus revised CAFO)

Great, thanks. I don't think it will be a problem for us to send feedback on the audit provisions in time for a call late next week.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

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Sacramento, CA 95814
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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Thursday, December 01, 2016 1:26 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates (plus revised CAFO)

Thanks for sending the CAFO this week, and look forward to getting the appendix as well - much appreciated. I will also get us a room in our building for the 21st.

With regard to getting together next week, and in light of John's schedule, we'll look into what works on Thursday or Friday. Do you think you will have comments/reaction to the audit by then? If not, one option might be to schedule for the following Monday or Tuesday so we can cover both the CAFO revisions and the audit.

Thanks!

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Thursday, December 01, 2016 3:21 PM
To: Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates (plus revised CAFO)

Hi All:

Just as an FYI for scheduling purposes: I'm in the air on Monday (12/5) and depo prep with witnesses on Tuesday (12/6) and Wednesday (12/7). I can do any time y'all want on 12/8 and 12/9, but if you would prefer to do earlier in the week let me know and I'll make it work (other than Monday, because I can't guarantee the airline will have me in any particular place at any particular time).

Thanks,

John

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Thursday, December 01, 2016 1:00 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates (plus revised CAFO)

Hi, John and Laura.

Thank you very much for your flexibility in scheduling our meeting during the week of the 19th. It would work best for us to meet with you on the 21st. How about starting at 9:00 a.m. at your offices?

I have attached the latest version of the draft CAFO, including a clean copy in Word format and a pdf showing the revisions we made. We tried to make as few changes as possible, though we did remove some provisions that we believe are not required by statute. We would be happy to schedule a call next week, as suggested in John's email below, to narrow down the issues for further discussion. If you would please let us know your availability, we can try to find a time that works for everyone. Thank you.

We are working on prepare a draft of Appendix A now, and will get it to you as quickly as possible. We are also reviewing the proposed third party audit provisions, and will follow up with you on that as soon as we can.

Thank you very much and we look forward to speaking with you soon.

Our best,
Jennifer and John

Jennifer Hartman King, Managing Partner

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ATTORNEYS AT LAW

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Wednesday, November 30, 2016 8:14 AM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John.Hempfling@wholefoods.com
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates

Hi Jennifer & John - hope your Thanksgiving was nice as well. Given all the leftovers we have, there's still tryptophan issues at my house...

We should absolutely plan on getting together the week of the 19th. Laura and I should be able to work our schedules to accommodate what works for you all, so pretty much any time between Monday the 19th and Thursday the 22nd will work. Let me know if you want to meet in our building, and I will see about securing a conference room. We can also meet elsewhere, if you'd prefer.

A couple other things, to help keep things moving at a good pace:

- It would be great if we could get together by phone sometime before the week of the 19th. If you're able to get us the draft CAFO by early next week (or even better, by the end of this week), we could talk late next week or early the week of the 12th. That way we could hopefully narrow down the remaining items to work through for when we get together face-to-face.

- Also, when you send us comments on the CAFO, can you please also make sure to include Appendix A? That will be very helpful for us.

Thanks! Talk to you soon.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, November 29, 2016 2:18 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: John.Hempfling@wholefoods.com
Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Checking in & proposed meeting dates

Hi, John and Laura.

John and I are working through the latest version of the draft CAFO, in addition to the proposed third party audit provisions, as quickly as possible. We anticipate having them back to you no later than early next week.

During our last call, we discussed scheduling an in-person meeting to work through the final agreements. We could meet you in DC during the week of December 19th. Please let us know if there is a date and time that week that works for you.

Thank you, and we hope you and your families had a wonderful Thanksgiving holiday.

Our best,
Jennifer and John

Jennifer Hartman King, Managing Partner

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916-379-7535 – Fax
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Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 1/17/2017 11:24:39 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: WF

Ok, thanks.

From: Welles, Laura
Sent: Tuesday, January 17, 2017 6:16 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: WF

Jennifer and I discussed logistics again and this is how we hope things go:

- WF will send final versions of the documents to us tonight so we have tomorrow morning to review
- WF will wait for green light, etc. from us
- Once green light, get appropriate WF person to sign CA (one person for all)
- WF pdf blue ink signatures and email to us so we can start process on our end
- Send originals via mail – hopefully delivered in time for submittal to EAB on Monday.

I gave Andy, Diana, and Greg the heads up that signatures on CA may be as soon as tomorrow. Diana has the draft EAB memo – I left it with her to get back to me with any comments, etc. by today/early tomorrow.

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 11/30/2016 3:48:30 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: finished with call

Yes – turning to this in a few minutes.

From: Welles, Laura
Sent: Wednesday, November 30, 2016 8:50 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: finished with call

One other thing – will you remind them about sending us appendix A? Thanks.

From: Fogarty, Johnpc
Sent: Tuesday, November 29, 2016 5:57 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: finished with call

I think that makes sense. Will pick this back up manana.

From: Welles, Laura
Sent: Tuesday, November 29, 2016 5:55 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: finished with call

I hear that.

As for an interim meeting – I was thinking that if WF gets the response on the draft CAFO and audit to us by end of this week or early next week, then interim should be either end of next week (12/8 or 12/9) or early to mid-part of the following week (12/12-12/14) – that way we would have a chance to work through any issues, etc.

From: Fogarty, Johnpc
Sent: Tuesday, November 29, 2016 5:49 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: finished with call

Ok, I'll reply to them about that tomorrow. I'm burnt to a crisp at this point today!

From: Welles, Laura
Sent: Tuesday, November 29, 2016 5:44 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: finished with call

No worries.

I'll be in the office the week of 12/19 – I'm hoping to head north on 12/23 (Friday of that week).

From: Fogarty, Johnpc
Sent: Tuesday, November 29, 2016 5:41 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: finished with call

Sorry – got on my own call, which is just finishing up. So yes, I do think we need an interim, but was also not sure what your schedule was that week. I am scheduled to be out, but will be in the area so can make a face-to-face. Are you going away for the holidays?

From: Welles, Laura
Sent: Tuesday, November 29, 2016 3:42 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: finished with call

Let me know a good time to stop by to discuss WF.

I'm not sure what you're thinking, but I think there should be an interim call before in person meeting week of 12/19 – discuss SEPs, etc.

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 1/6/2017 12:01:29 AM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Re: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Thx for the update.

Sent from my iPhone

On Jan 5, 2017, at 6:08 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

Just as an FYI – keeping REMs updated re: notice to states, etc.

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency

1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

<DraftNoticetoNew Jersey_WFM.docx>

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 4/7/2017 7:32:08 PM
To: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
CC: Welles, Laura [Welles.Laura@epa.gov]; Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
Subject: Re: EPA/Whole Foods Market CAFO -- final order posted on EAB website

You too!

Sent from my iPhone

On Apr 7, 2017, at 3:31 PM, John Hempfling (CE CEN) <John.Hempfling@wholefoods.com> wrote:

> Okay. Thanks, John. I hope y'all have a great weekend.
>
> John H. Hempfling II
> Sr. Global Litigation Counsel
> Whole Foods Market Central Office
> 550 Bowie Street
> Austin, Texas 78703
> (512) 542-0213 (Office)
> (512) 482-7213 (Fax)
>
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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Friday, April 07, 2017 2:29 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Re: EPA/Whole Foods Market CAFO -- final order posted on EAB website

John, I have just been told no press release today, and perhaps not until mid-week. Will keep you all apprised. Thanks.

Sent from my iPhone

On Apr 7, 2017, at 11:33 AM, John Hempfling (CE CEN) <John.Hempfling@wholefoods.com> wrote:

> Thanks, John.
>
> Sent from my iPhone

On Apr 7, 2017, at 10:32, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Yes, it should go out today. Will let you know if that changes.

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Friday, April 07, 2017 11:00 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Okay. Thanks, John. Last question and then I'll leave you alone for the rest of the day, I promise. Is that intended to go out today?

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
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(512) 482-7213 (Fax)

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Friday, April 07, 2017 9:53 AM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Yes, there will be a press release – will share as soon as it is available. We have worked with the press folks to try to make it a positive message.

If we get any inquiries I intend to say that this is an instance of a responsible company doing the right thing.

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Friday, April 07, 2017 10:47 AM
To: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Thanks, Laura.

Are y'all planning on issuing a press release on this?

John H. Hempfling II
Sr. Global Litigation Counsel
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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, April 07, 2017 9:18 AM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: EPA/Whole Foods Market CAFO -- final order posted on EAB website

John and Jenn,

Here's the link to the EAB website with the Final Order – https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 3/14/2017 8:42:55 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Let's lock down the 31st if we can.

Sent from my iPhone

On Mar 14, 2017, at 4:35 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> I'm not sure how this got so complicated – 3/31 works and I can make the other dates work too. Let's just get the meeting scheduled...
>
> **From:** Wenisch, Michelle
> **Sent:** Tuesday, March 14, 2017 3:49 PM
> **To:** Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
> **Subject:** Re: Whole Foods Consent Agreement: Follow-up Call
>
> Hello everyone, March 24 is not a possibility due to prior fixed obligations, but if March 31 works for everyone else, then I will rearrange my schedule to make that work. Alternatively, April 3, 4, or 5 are also possibilities. I can be available any time on any of those four days. Thank you, Michelle
>
> **From:** Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
> **Sent:** Tuesday, March 14, 2017 3:35 PM
> **To:** John Hempfling (CE CEN); Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura
> **Subject:** RE: Whole Foods Consent Agreement: Follow-up Call
>
> March 24th works for me.
>
> Jennifer Hartman King, Managing Partner
> <image002.png>
>
> 520 Capitol Mall, Suite 750
> Sacramento, CA 95814
> 916-379-7530 – Main phone
> 916-379-7533 – Direct dial
> 916-379-7535 – Fax
> Email: JHartmanKing@KingWilliamsLaw.com
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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 12:31 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I'll be on and off planes on March 24, but if Jenn is available she can handle the call and just fill me in later.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 2:29 PM
To: Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

In an attempt for this to possibly happen before April, does the afternoon (eastern time) on Friday March 24th work for folks? I'll be horribly jet-lagged then but would prefer that over letting this slip a couple of additional weeks.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, March 14, 2017 2:41 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can be available any time on April 6th.

Jennifer Hartman King, Managing Partner
<image002.png>

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 11:26 AM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can do April 6 at any time ***except*** 11-noon am EDT and 1-2:30 EDT.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 1:21 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hi all, I am not available on the 31st. How about Tuesday April 4 or Thursday April 6 -- any availability on either of those days? Thank you, Michelle

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Tuesday, March 14, 2017 2:13 PM
To: Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura; Jennifer Hartman King
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I've got either depo prep or depos most of the week of March 27, but I'm wide open right now on Mar. 31 (Friday of that week).

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 1:01 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Michelle, I am out of the office next week and Susan Shinkman would like for me to be present, so this would need to shift to the week of the 27th. Thanks!

From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods Consent Agreement: Follow-up Call

Dear Mr. Fogerty, Ms. Welles, Mr. Hempfling, and Ms. Hartman King:

Following on yesterday's call and the information provided by OECA, we would like to set up a further call with the parties to discuss possible options for proceeding forward in this matter.

Please let me know your availability for a call next Tuesday or Thursday March 21 or 23. We also request that either Susan Shinkman or Rosemarie Kelley be on the call for OECA.
Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122
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Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 4/7/2017 7:27:26 PM
To: Ng, Brian [Ng.Brian@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]; Senn, John [Senn.John@epa.gov]
Subject: Re: Whole Foods final order -- posted on EAB website

Ok, thx.

Sent from my iPhone

On Apr 7, 2017, at 3:25 PM, Ng, Brian <Ng.Brian@epa.gov> wrote:

> OPA says Whole Foods won't go out today and that it may go out middle of next week. I will be out next week but John will be tracking this.
>
> Brian
>
> ---
>
> **From:** Fogarty, Johnpc
> **Sent:** Friday, April 7, 2017 3:13 PM
> **To:** Ng, Brian
> **Cc:** Welles, Laura; Senn, John
> **Subject:** Re: Whole Foods final order -- posted on EAB website
>
> If there's nothing by this point, should we assume this will roll over to Monday?
>
> Sent from my iPhone
>
> On Apr 7, 2017, at 11:45 AM, Ng, Brian <Ng.Brian@epa.gov> wrote:
>
> > Will do. Still awaiting the green light from OPA.
> >
> > Brian
> >
> > ---
> >
> > **From:** Fogarty, Johnpc
> > **Sent:** Friday, April 7, 2017 11:45 AM
> > **To:** Ng, Brian; Welles, Laura
> > **Cc:** Senn, John
> > **Subject:** RE: Whole Foods final order -- posted on EAB website

Thanks Brian - please let us know when it goes "live." We are also available if there are any press inquiries/questions/etc.

From: Ng, Brian
Sent: Friday, April 07, 2017 10:19 AM
To: Welles, Laura <Welles.Laura@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Senn, John <Senn.John@epa.gov>
Subject: Re: Whole Foods final order -- posted on EAB website

Great. Will let folks in OPA know this is now public so that we can go out with our press release ASAP.

Brian

From: Welles, Laura
Sent: Friday, April 7, 2017 10:14 AM
To: Ng, Brian; Fogarty, Johnpc
Cc: Senn, John
Subject: Whole Foods final order -- posted on EAB website

Here's the link:

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Laura Welles

Attorney Advisor

Waste and Chemical Enforcement Division

Office of Civil Enforcement

U.S. Environmental Protection Agency

(202) 564-2754

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 4/7/2017 2:51:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Yes and yes.

From: Welles, Laura
Sent: Friday, April 07, 2017 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Do you want to take this?

Also – not sure how EPA typically does it, but I was thinking we should send a copy of the release to John and Jenn at the time EPA sends the release out. Thoughts?

From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Friday, April 07, 2017 10:47 AM
To: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market CAFO -- final order posted on EAB website

Thanks, Laura.

Are y'all planning on issuing a press release on this?

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, April 07, 2017 9:18 AM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: EPA/Whole Foods Market CAFO -- final order posted on EAB website

John and Jenn,

Here's the link to the EAB website with the Final Order –
https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 4/7/2017 2:15:15 PM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: FW: Whole Foods final order -- posted on EAB website

---

From: Welles, Laura
Sent: Friday, April 07, 2017 10:14 AM
To: Ng, Brian <Ng.Brian@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Senn, John <Senn.John@epa.gov>
Subject: Whole Foods final order -- posted on EAB website

Here's the link:

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 4/6/2017 7:33:49 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods CAFO

I assumed she would too, and I think she did since she asked us to forward. Hopefully she sees the message and re-sends to us.

From: Welles, Laura
Sent: Thursday, April 06, 2017 3:32 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Whole Foods CAFO

No – just sent you an email. In my instructions to Susan yesterday I didn't specify that she should copy us because I thought she would anyway – sorry about that…

Will you get Susan to forward her sent message to EAB to us?

From: Fogarty, Johnpc
Sent: Thursday, April 06, 2017 3:30 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods CAFO

Laura, did you get Susan's email to Michelle?

From: Welles, Laura
Sent: Thursday, April 06, 2017 3:26 PM
To: Shinkman, Susan <Shinkman.Susan@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: Whole Foods CAFO

See below for addresses.

From: Wenisch, Michelle
Sent: Tuesday, April 04, 2017 3:49 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods CAFO

Thank you all very much for participating in this afternoon's call.

As promised, I would like to confirm in writing that what the Environmental Appeals Board is looking for at this juncture is a supplemental memorandum or e-mail from the Office of Civil Enforcement Director to the Clerk of the Board, with copies to Whole Foods counsel and me, that can be included as part of the record in this case. The memo or e-mail would state that the OCE Director is authorized to approve and submit the Whole Foods CAFO to the Board for ratification pursuant to 40 C.F.R. 22.18(b).

The Board requests that the supplemental memo or e-mail be transmitted no later than this Thursday, April 6, 2017. If OECA needs a little more time to complete this task, please let me know that by that same date.

Best regards,
Michelle Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
(202) 233-0120

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 10/11/2016 3:07:20 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/Whole Foods Market -- follow up to 10/5 call

I am out of the office until 10/17/16 with no access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 9/30/2016 1:24:45 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Follow up to EPA/Whole Foods Market 9/27 meeting

I am out of the office on September 29, 2016 with little access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Moncrieffe, Marcia [Moncrieffe.Marcia@epa.gov]
Sent: 9/27/2016 2:37:28 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods

I will respond to your email upon my return to the office. If you have my other contact, I am available to call you. Just send me a note and I will call.

A good day to you-
Marcia

NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us

HAZARDOUS WASTE COMPLIANCE EVALUATION REPORT

Evaluation Type: CEI ✓ **CAV** ____ **Other** ____

Facility: Whole Foods Market #10314
EPA ID #: NMR000020040
Ownership: Whole Foods Market, Inc.
550 Bowie St Austin, TX 78703

Location: 1090 St. Francis Dr
Santa Fe, NM 87505
Mailing Address: same as above

Facility Representative/Contact: Scott Feldpausch
Title: Store Team Leader
Date: 6/11/14
Time of Entry: 10:35 am

Entry Conference:

Present credentials to facility representative	✓
Cite authority to enter site, conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)	✓
State reasons(s) for and nature of inspection	✓
State objectives and procedures for inspection	✓

Participants: Print:

Name	Title	Phone#
Leslie Dale	Environmental Specialist	505-476-6056
Janine Kraemer	Hazardous Waste Supervisor	505-473-4372
Scott Feldpausch	Store Team Leader	505-983-5333

EPA ID NMR000020040

Facility Name Whole Foods Market #10314

Date 6/11/14

This Compliance Evaluation was conducted based on:

Reason for Inspection: Routine ☐ Complaint ☐ Follow-up ☐ Never Been Inspected ☑

Facility was Last Inspected on: _____

Facility is: Notifier ☐ Non-Notifier ☑

History, Size, and Nature of Business:

Formerly the location of Wild Oats Market. Whole Foods Market (WFM) merged with Wild Oats and operated under the Wild Oats name in 2007. Began operating under the WFM banner (store #10314) in 2010. WFM is a grocer specializing in natural and organic foods and products. The store occupies 18,000 sq. ft. of leased property, has 94 employees, and is open from 7:30 am to 9:00 pm Monday through Sunday.

Waste Processes Forms ☑

Potential Violation(s) Forms ☑

Checklists Completed: CESQG ☐ SQG ☐ <90 Day ☐ Used Oil ☐ Other:

Current Status: CESQG ☐ SQG ☐ LQG ☐ TSD ☐ Complaint Response ☐ Transporter ☐ Recycler ☐ Non-Handler ☑ Other: Undetermined. Facility is likely CESQG, based on average generation for a grocery not operating a pharmacy. No determination or disposal documentation avail.

Results of Inspection:

An inbrief was conducted, followed by staff interview (Scott Feldpausch and team member Shaun) regarding disposal of non-salable items. Food items are donated to a local food bank, composted, or discarded. Plastic #1, #2, and #5 containers, paper, cans, and cardboard are recycled. Opened supplements are returned to the manufacturer for credit. "365" brand items are returned to the WFM central distribution center in Denver. Expired, damaged and broken items are scanned as "spoilage" and discarded. When asked, staff explained that there is no corporate policy or procedure for making on-site waste determinations. A brief walk-through of the Whole Body and Housewares departments was conducted. Inspectors identified many items that may be a hazardous waste if discarded (see Waste Processes Form). A few of these items were scanned to determine if waste disposal information was provided through the store's inventory control system. It was not. Based upon information provided during the interview and products observed during the walk-through, WFM has not implemented a system to make a hazardous waste determination or to address hazardous waste management at the store level.

EPA ID NMR000020040
Facility Name Whole Foods Market #10314
Date 6/11/14

Process Information

Waste Type & Code	Process, Location/How Managed Transporter & Destination	Est. Quantity per Month
	The following observed items are only a subset of products offered in the Whole Body and Housewares departments, and are not wholly representative of all potentially hazardous wastes generated at WFM #10314.	
D001 - Ignitables	Aerosol sunscreens, alcohol, nail polish remover, tinctures (containing 40-45 % alcohol), liquor.	Unknown
D002 - Corrosives	"Earthworm" drain cleaner containing sodium hydroxide (potentially high pH).	Unknown
D007 - Chromium	Chromium picolinate supplements (500 mcg noted, other strengths may be available).	Unknown
D010 - Selenium	Selenium supplements (200 mcg noted, other strengths may be available).	Unknown
D011 - Silver	Colloidal silver (multiple strengths).	Unknown
D009 - Fluorescent lamps	New and spent lamps stored in loft above stockroom. Changed out by Voss Lighting.	Unknown

EPA ID NMR000020040
Facility Name Whole Foods Market #10314
Date 6/11/14

The Following Potential Violation(s) Were Noted:

Potential Violation(s) and Citation	Specifics: Location, quantities, documentation, etc.
40 CFR 262.11	Failure to make a hazardous waste determination. WFM scans expired, broken, or damaged items as "spoilage" and discards these items without determining whether the item may be a hazardous waste. WFM must determine whether such items are hazardous as described below: § 262.11 Hazardous waste determination. A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method: (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4. (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261. (c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either: (1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
40 CFR 273.13(d)(1)	Failure to keep spent fluorescent lamps in a closed container. Seven open boxes of lamps were stored in the loft above the stockroom; no markings indicated whether the boxes contained new or spent lamps. One box contained rows of lamps separated by cardboard layers, suggesting new lamps. § 273.13(d)(1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
40 CFR 273.14(e)	Failure to label universal waste. § 273.14(e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".
40 CFR 273.15(c)	Failure to demonstrate how long universal waste had been stored. § 273.15(c) A small quantity handler of universal who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Exit Conference:

EPA ID NMR000020040
Facility Name Whole Foods Market #10314
Date 6/11/14

Time of Exit: _____

Discussion/Explanation of Potential Violation(s): ☐

Explain Review Process by NMED/HWB Management: ☐

NMED Anticipated Timetable for Possible Enforcement Action(s): ☐

Explain Availability of On Site Technical Assistance: ☐

____ Advised Facility Representative at the time of inspection, no potential violation(s) of 20 NMAC 4.1 were identified. Also, explained that Facility remains obligated to comply with all applicable laws and regulations.

____ Advised Facility Representative of the potential violation(s) identified during the inspection. Explained that in accordance with § 74-1-10 NMSA 1978 (Repl. Pamp. 2000), NMED may: (1) issue a notice of violation requesting voluntary compliance within a specified time period; (2) issue a compliance order requiring compliance immediately or within a specified time assessing a civil penalty for any past or current violations of up to $10,000 per day of noncompliance with each violation or both; or (3) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

Participants:

Name	Signature	Title	Phone #

No exit interview conducted. Case referred to EPA Region 6 on July 24, 2014.

Compliance Evaluation
Better Business Practices

EPA ID NMR000020040
Facility Name Whole Foods Market #10314
Date 6/11/14

Pollution Prevention and Waste Minimization Suggestions

Questions. Concerns, and/or Comments

HWB PHOTO SHEET

Facility: Whole Foods Market #10314

Photo # 1

Location: Storefront

Description: Store entrance and signage

Violation(s): None

Facility: Whole Foods Market #10314

Photo # 2

Location: Loft above stockroom.

Description: Boxes containing new and spent fluorescent lamps. Open, unlabeled, no ASD.

Violation(s): 40 CFR 273.13(d)(1) – failure to keep spent universal waste in a closed container; § 273.14(3) – failure to label universal waste; § 273.15(c) – failure to demonstrate how long universal waste had been stored.

HWB PHOTO SHEET

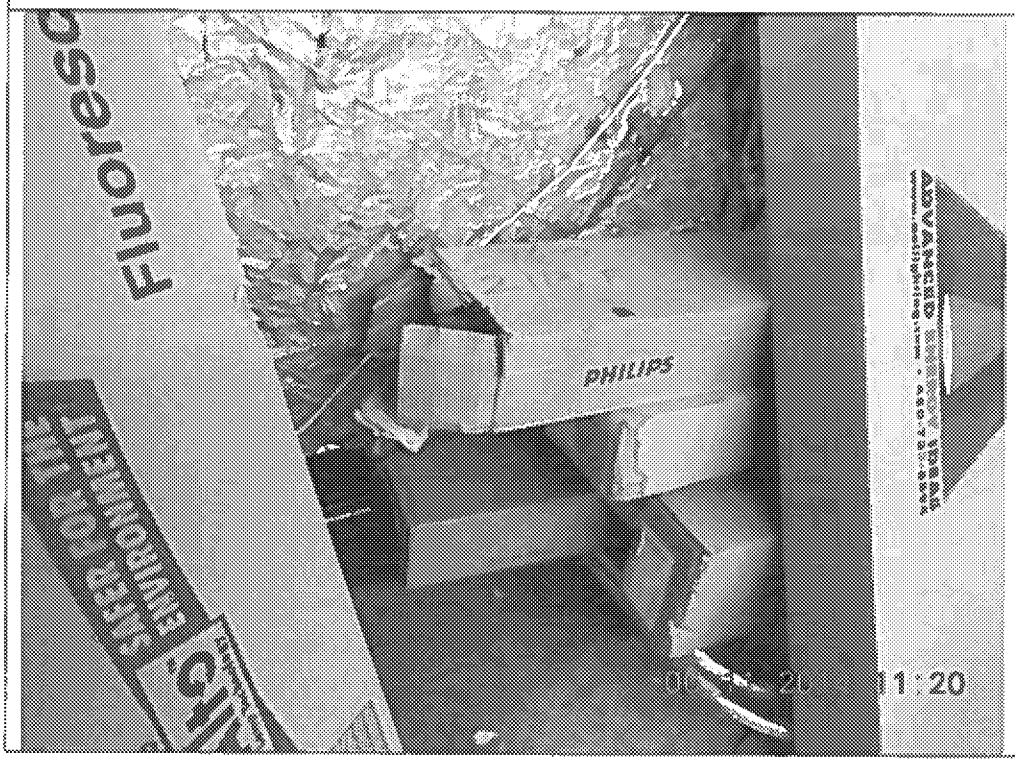
Facility: Whole Foods Market #10314

Photo # 3

Location: Loft above stockroom.

Description: Boxes containing new and spent fluorescent lamps. Open, unlabeled, no ASD.

Violation(s): See Photo #2



Facility: Whole Foods Market #10314

Photo # 4

Location: Loft above stockroom.

Description: Box containing spent fluorescent lamps. Open, unlabeled, no ASD.

Violation(s): See Photo #2

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 9/27/2016 5:06:16 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: FW: Whole Foods Market's press release

From: Saenz, Diana
Sent: Monday, September 26, 2016 4:56 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: Whole Foods Market's press release

FYI – Attached is a link to Whole Foods Market's press release on the R6 settlement–

http://media.wholefoodsmarket.com/news/statement-by-gvp-brooke-buchanan-regarding-recent-epa-decision

From their press release, they indicate "investment in enhanced IT systems to identify products that become hazardous waste"

Whole Foods Market's environmental compliance measures include:

- Updated environmental compliance standards and operating procedures for stores and facilities
- Enhanced training programs for Team Members
- Investments in enhanced IT systems to identify products that become hazardous waste in real time, so they may be tracked, managed and catalogued properly
- Retention of additional internal and external environmental compliance experts for program and compliance

Diana J. Saenz
Acting Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 9/27/2016 9:50:31 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/WFM

I am in a meeting on September 27, 2016 with little access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 9/27/2016 9:50:42 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/WFM

Thank you for your email. I am out of the office, with little or no access to email, on September 27th. If you need to reach someone immediately, please contact my assistant, Jackie Flores, at JFlores@KingWilliamsLaw.com or 916.379.7530. Otherwise, I will respond to your message as soon as possible. Thank you.

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 9/28/2016 4:38:40 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Cavalier, Beth [Cavalier.Beth@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: RCRA - SEPs
Attachments: 6ENH.Whole Foods Market CAFO.TX.09.19.16.pdf

The context is similar to Region 6's recent settlement with Whole Foods – https://www.epa.gov/newsreleases/whole-foods-agrees-improve-waste-management-epa-settlement

R6's CAFO involved two RCRA counts: (1) failure to make HW determinations and (2) failure to comply with the Universal Waste Requirements (see attached CAFO).

6ENH.Whole Foods Market C...

I hope this helps.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Makepeace, Caroline
Sent: Wednesday, September 28, 2016 12:12 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Yes, please, that'd be most efficient and effective, instead of just starting the wheels turning tomorrow afternoon – especially if you are in any hurry. Can't really do SEP analysis without specific context.

Caroline Makepeace
Chief, Litigation and Cross-Cutting Policy Branch, and
Acting Chief, Litigation and Audit Policy Branch
Special Litigation and Projects Division
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Cavalier, Beth
Sent: Wednesday, September 28, 2016 10:33 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Diana, Andy, Laura – it would be helpful to know what sort of violations you are dealing with, as the nexus requirement will depend greatly on the type of violation, the pollutant, the impacts.... Can you provide any information about the enforcement action in question ahead of the meeting? Thanks!!

Beth

From: Makepeace, Caroline
Sent: Wednesday, September 28, 2016 10:25 AM
To: Saenz, Diana <Saenz.Diana@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Look forward to talking, but just a heads-up that I need to leave for the 1st item at the cynthia general at 3. See you tomorrow.

Caroline Makepeace
Chief, Litigation and Cross-Cutting Policy Branch, and
Acting Chief, Litigation and Audit Policy Branch
Special Litigation and Projects Division
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Saenz, Diana
Sent: Wednesday, September 28, 2016 10:23 AM
To: Makepeace, Caroline; Cavalier, Beth; Crossland, Andy; Welles, Laura
Subject: RCRA - SEPs
When: Thursday, September 29, 2016 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARS4140VideoConf@epa.gov

Brainstorm Potential RCRA SEPs.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

FILED
2016 SEP 19 PM 3:58
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	§	
	§	
	§	
	§	Consent Agreement and Final Order
WHOLE FOODS MARKET ROCKY	§	USEPA Docket No. RCRA-06-2016-0904
MOUNTAIN/SOUTHWEST LP	§	
	§	
	§	
RESPONDENT	§	
	§	

CONSENT AGREEMENT AND FINAL ORDER

I.

PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Whole Foods Market Rocky Mountain/Southwest LP, ("Whole Foods" or "Respondent") and concerns twenty-nine (29) facilities. The facilities that are covered by this CAFO (the "Facilities") are listed with corresponding addresses in Appendix I of this CAFO, which is attached hereto, and is incorporated by reference as part of this CAFO.
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).
3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and alleged violations contained in this CAFO.

4. Respondent explicitly waives its right to appeal the proposed final order contained in this CAFO. Respondent does not waive any claims or defenses Respondent has to the interpretation of the CAFO or its terms.
5. The CAFO resolves only those violations which are alleged herein.
6. This CAFO covers the violations alleged herein from the period of April 1, 2010 through the effective date of the CAFO, and the period set forth in Section IV, Compliance Order, Paragraph 40.
7. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order as set forth in Section IV, Compliance Order, Paragraph 40.
8. Respondent consents to the specific terms of the compliance agreement, as is set forth in Section V, Implementation of Electronic Hazardous Waste Identification System, Paragraph 41.
9. Respondent consents to implement the Supplemental Environmental Project ("SEP") summarized in Appendix III of this CAFO, which is attached hereto, and is incorporated by reference as part of the CAFO. Further, Respondent consents to the specific terms of the SEP set forth in Section VI.
10. For purposes of this CAFO, where applicable, citations to 40 Code of Federal Regulations ("C.F.R.") Part 273 is a citation to the Texas Administrative Code ("TEX.ADMIN.CODE")[1] since the relevant and applicable sections of 40 C.F.R.

[1] All references to the Texas Administrative Code shall refer to the EPA-approved regulatory requirements applicable to the hazardous waste management program, set forth in Texas Administrative Code Title 30, Part 2, Chapter 335, Environmental Quality, effective in October 2009, and adopted by EPA in May 2012.

Part 273 are adopted by reference as amended and adopted by the

30 TEX.ADMIN.CODE § 335.261, Universal Waste Rules.

II.
JURISDICTION

11. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

12. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III.
FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

13. Respondent is a Texas limited partnership, authorized to do business on March 2, 1995 in Texas.

14. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 TEX.ADMIN.CODE § 3.2(25), [40 C.F.R. § 260.10].

15. Whole Foods owns and/or operates the Facilities at the respective locations identified in Appendix I.

16. On June 11, 2014, the New Mexico Environment Department, Hazardous Waste Bureau, ("NMED") conducted an inspection at a Whole Foods facility in the State of New Mexico ("Inspection").

17. On August 26, 2014 the NMED referred the matter to the EPA for further investigation and enforcement.

18. During the period of August 2014 through August 2015, EPA conducted a RCRA investigation and record review of Whole Foods' activities as a generator of hazardous waste in the State of Texas, including the issuance of a RCRA information request dated August 18, 2015 ("Investigation").

19. On November 24, 2015, Whole Foods provided EPA with a response to the RCRA 3007 information request.

20. From the Investigation, EPA concluded that in general Whole Foods has customer returns and expired products that are "solid waste" within the meaning of TEX.ADMIN.CODE § 335.1(138), [40 C.F.R. § 261.2].

21. From the Investigation, EPA concluded that Whole Foods, at a minimum, generated hazardous waste having the:

    A. Characteristic of ignitability (D001) and corrosivity (D002); and

    B. Characteristic of toxicity (D007, D010, D009, and D011).

22. From the Investigation, the EPA did not identify any spills, leaks or releases at or from the Facilities.

23. The Facilities listed in Appendix I are each a "facility" within the meaning of 30 TEX.ADMIN.CODE § 335.1(59), [40 C.F.R. § 260.10].

24. EPA concluded that all twenty-nine (29) Facilities listed in Appendix I have some or all the waste streams listed in Paragraph 21.

25. The waste streams identified in Paragraph 21 are "hazardous waste" as provided in 30 TEX.ADMIN.CODE §§ 335.1 (69) and (70), [40 C.F.R. §§ 261.3, 261.21, 261.22, and 261.24].

26. From the Investigation, EPA concluded that Whole Foods failed to make a sufficient hazardous waste determination of its solid waste streams as is required by 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)].

27. From the Investigation, EPA concluded that Whole Foods has insufficient records for its hazardous waste determination as is required by 30 TEX.ADMIN.CODE § 335.70(a), [40 C.F.R. § 262.40(c)].

28. From the Investigation, EPA concluded that Whole Foods is a "small quantity handler of universal waste" as this term is defined in 30 TEX.ADMIN.CODE § 335.261(b)(16)(D), [40 C.F.R. § 273.9].

29. From the Investigation, EPA concluded that Whole Foods has violated one or more of the universal waste requirements set forth at 40 C.F.R. §§ 273.13 through 273.16.

30. Whole Foods is a "generator" of "hazardous waste" as those terms are defined in 30 TEX ADMIN.CODE §§ 335.1(65) & (69), [40 C.F.R. § 260.10].

31. As a generator of hazardous waste, Whole Foods is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. Part 262].

All Twenty-Nine (29) Facilities

Claim i. Failure to make Hazardous Waste Determinations

32. The allegations in Paragraphs 1-31 are realleged and incorporated herein by reference.

33. Pursuant to 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)] a person who generates a solid waste, as defined in 30 TEX.ADMIN.CODE § 335.1(138), [40 C.F.R. § 261.2] must determine if the waste is hazardous either by applying the required test method or by applying its knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

34. For the relevant periods of this CAFO, Respondent failed to make a hazardous waste determination on all its waste streams at the Facilities identified in Appendix I of this CAFO.

35. Respondent violated the requirements of RCRA and the regulations promulgated at 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)] by failing to make the requisite hazardous waste determination on all its solid waste streams generated by Respondent at the Facilities identified in this CAFO.

Claim ii. Failure to Comply with the Universal Waste Requirements

36. The allegations in Paragraphs 1-35 are realleged and incorporated herein by reference.

37. Pursuant to 30 TEX.ADMIN.CODE § 335.261(a), [40 C.F.R. § 273.10] a small quantity handler of universal waste must comply with 40 C.F.R. §§ 273.13 through 273.16.

38. During the Investigation, EPA concluded that Whole Foods has not complied with all requirements set forth at 40 C.F.R. §§ 273.13 through 273.16.

39. During the period of 2010 through 2015, Whole Foods handled universal waste in violation of 40 C.F.R. §§ 273.13 through 273.16.

IV.
COMPLIANCE ORDER

40. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within one hundred and eighty (180) calendar

days of the effective date of this CAFO, Respondent shall provide in writing the following to EPA:

A. Respondent shall certify that it has assessed all its solid waste streams at each Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") for each Facility to ensure that Whole Foods is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal restrictions. The Respondent's SOPs for each Facility shall also ensure that Whole Foods is operating in compliance with the universal waste rules set forth at 40 C.F.R. §§ 273.13 through 273.16;

B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for each Facility and within the prescribed time period, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930; and

C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above, which EPA shall maintain as business confidential records.

V.
IMPLEMENTATION OF ELECTRONIC HAZARDOUS WASTE IDENTIFICATION SYSTEM

41. Based on the foregoing, Respondent agrees to implement an improved environmental compliance program in accordance with all the provisions of this Section V, and as described below:

A. Respondent shall have eighteen (18) months, from the effective date of this CAFO, to engage a third-party consultant and implement the electronic hazardous waste identification system that is described in this compliance agreement;

B. Respondent will hire a third-party consultant to review the products at the facilities listed in Appendix II (the "Appendix II Facilities"), and determine whether those products, if discarded by Whole Foods, would be hazardous waste, pursuant to RCRA and its implementing regulations;

C. The third-party consultant, after identifying the potentially hazardous items, will load the information into Whole Foods' electronic hazardous waste identification system for use at the Appendix II Facilities, to identify and classify all Whole Foods' solid waste streams;

D. Respondent will submit to the EPA, within nine (9) months of the effective date of this CAFO, an interim report on the implementation progress of its electronic hazardous waste identification system described in this compliance agreement; and

E. Within twenty-four (24) months of the effective date of this CAFO, Respondent will submit to the EPA a completion report that will describe the electronic hazardous waste identification system as fully implemented at all Appendix II Facilities, certifying the cost incurred to complete its electronic hazardous waste identification system, an evaluation of the electronic hazardous waste identification system success, and a certification that the electronic hazardous waste identification system has been completed in accordance with this CAFO.

42. If within eighteen (18) months after the effective date of this CAFO, Respondent concludes that despite its best efforts to implement the electronic hazardous waste

identification system described in this compliance agreement, the efforts were futile and the system would be impractical for Whole Foods, Whole Foods shall, no later than 30 days after such conclusions are made, submit to the EPA a report documenting its efforts and the rationale for its conclusion. Further, Whole Foods shall ensure that its compliance with RCRA, ordered in Section IV of this CAFO (Compliance Order) is fully delineated and narrated in the SOPs that are required by Paragraph 40.A of this CAFO.

43. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Whole Foods and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Waste Compliance III Section (6EN-H3)
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: Gabriel Salinas

In the alternative, documents required by this CAFO may be sent to Gabriel Salinas via email at Salinas.Gabriel@epa.gov.

VI.
TERMS OF SETTLEMENT

i. Penalty Provisions

44. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Two Million One Hundred and Eighty-Five Thousand One Hundred and Sixty Dollars ($2,185,160.00) .

45. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

46. The following are Respondent's options for transmitting the penalties:

    Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

    U.S. Environmental Protection Agency
    Fines and Penalties
    Cincinnati Finance Center
    P.O. Box 979077
    St. Louis, MO 63197-9000

    Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

    U.S. Bank
    Government Lockbox 979077
    US EPA Fines and Penalties
    1005 Convention Plaza
    SL-MO-C2-GL
    St. Louis, MO 63101
    314-418-1028

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Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of Whole Foods Market Rocky Mountain/Southwest LP, (Docket No. RCRA-06-2016-0904)) shall be clearly documented on or within Respondent's chosen method of payment to ensure proper credit.

47. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Mark Potts, Chief
Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Gabriel Salinas

Adherence to this request will ensure proper credit is given when penalties are received by EPA.

48. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil

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penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Supplemental Environmental Project

49. Respondent shall complete the Supplemental Environmental Project ("SEP") described in in Appendix III of this CAFO, and in accordance with all provisions of this Sub-Section VI.ii, as described below.

A. Within ninety (90) days of the effective date of this CAFO, Respondent shall submit to the EPA a SEP workplan for review and approval, with a detailed description of the project, including the necessary information to demonstrate that the SEP and Whole Foods' performance of the SEP comply with the 2015 update to SEP Policy.

B. With EPA's review and approval of the SEP workplan, and without amendment to the CAFO, the workplan will be incorporated into this CAFO by reference as the

Environmental Compliance Promotion Training Project for the Retail Industry (the "ECPTP") SEP.

C. Respondent shall implement the activities of the workplan, no later than sixty day (60) after EPA's review and approval.

D. With regard to the ECPTP SEP, Respondent certifies the truth and accuracy of each of the following:

a. That all cost information that is provided to the EPA in connection with EPA's approval of the ECPTP is complete and accurate and that Respondent in good faith estimates that the cost to implement the ECPTP SEP is $500,000;

b. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the ECPTP SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other forum;

c. That the ECPTP SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

d. That Respondent has not received and will not receive credit for the ECPTP SEP in any other enforcement action;

e. That Respondent will not receive reimbursement for any portion of the ECPTP SEP from another person or entity; and

f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the ECPTP SEP.

E. Respondent certifies that:

a. It is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Appendix III and this CAFO; and

b. It has inquired of the ECPTP SEP recipient and/or implementer whether either is a party to an open federal financial assistance transaction that is funding or could fund the same activity as a SEP and has been informed by the recipient and/or implementer that neither is a party to such transaction.

F. The Respondent will submit annual status reports, which shall include the certification language set forth in Paragraph 43 of this CAFO. The status reports will include at a minimum, a description of the activities to date; a budget summary table listing funds expended to date by budget category; and a discussion of any anticipated changes to the project scope or timeline.

G. Respondent has three (3) years from the date of EPA's review and approval to complete the ECPTP SEP.

H. Within thirty (30) days after the completion of the ECPTP SEP, Respondent shall submit a completion report to EPA, certifying that the SEP funds have been applied to the project, how the funds were used, an evaluation of the SEP's success, and a

certification that the SEP has been completed in accordance with the CAFO, the approved workplan, and Appendix III.

I. The total expenditure for the ECPTP SEP shall not be less than $500,000. Respondent shall include documentation of the expenditures made in connection with the ECPTP SEP as part of the ECPTP SEP completion report.

J. Respondent agrees that any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the ECPTP SEP, with the exception of any advertisements for the training, under this CAFO from the date of its execution of this CAFO shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *In the Matter of: Whole Foods Market Rocky Mountain/Southwest LP; USEPA Docket No. RCRA-06-2016-0904* to enforce federal laws".

K. Respondent shall complete the ECPTP SEP in a timely and satisfactory manner, to ensure that the EPA and the public receives the benefits expected by the SEP. For purposes of this CAFO, the ECPTP SEP shall have been satisfactorily completed (i) when the program has operated for three (3) years, (ii) Whole Foods has spent no less than $500,000, (iii) Whole Foods has periodically advertised the program in more than one media in the month that immediately precedes a training event, and (iv) Whole Foods is able to document a level of retailers participation of not less than Two Thousand (2000) retailers in the State of Texas.

iii. Stipulated Penalties

50. Respondent shall be liable for stipulated penalties to be paid to the Treasurer United States, and in accordance with the payment instructions set forth in Section VI.i. (Penalty

Provisions) of this CAFO for its failure to: (i) Meet interim milestones, to submit required progress reports and to provide a SEP completion report, beginning sixty (60) days of a submission due date and at rate of $2000 per day and thereafter that each specific failure continues; (ii) Satisfactorily complete the SEP, in which case a stipulated penalty will be calculated at a rate that is proportionately determined on the objective basis of the total SEP expenditure of $500,000 and the number of retail participants of 2000 agreed upon by the Parties and is included in the definition of satisfactorily completed, seen in Paragraph 49.K above. For example, if the final number of retailers that participated in the SEP equals One Thousand (1000) then the stipulated penalty in this instance would be ($500,000 *1000 retailers/2000 retailers) = $250,000; and (iii) Implement the SEP sixty (60) days after EPA's review and approval, or if Respondent halts or abandons work of the SEP, Respondent will pay a stipulated penalty of $500,000 together with interest accruing from the date the CAFO became effective, and the interest will be assessed in accordance with Paragraph 48 of this CAFO.

iv. Cost

51. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated pursuant to those Acts.

v. Termination and Satisfaction

52. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty,

Respondent shall so certify in writing and in accordance with the certification language set forth in Paragraph 43. Unless EPA objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

53. This CAFO resolves the claims set forth in Section III, Factual Allegations and Alleged Violations, and Whole Foods, and its officers, directors, employees, and affiliated entities are released from civil liabilities as provided in 40 C.F.R. §§ 22.18(c) and 22.31 upon the termination of this CAFO.

vi. Effective Date of Settlement

54. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

vii. Appendices

56. The following Appendices are attached to and are part of this CAFO:

Appendix I represents a list of all of Whole Foods' Texas Facilities that are subject to this CAFO;

Appendix II represents the List of all Whole Foods' facilities in Region 6 that are incorporated by reference into this CAFO as the "Appendix II Facilities" only for purposes of Section V, Implementation of Electronic Hazardous Waste Identification System; and

Appendix III represents the narrative of the Supplemental Environmental Project.

ED_005188A_00001595-00017

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: 9/12/16

Whole Foods Market Rocky Mountain/Southwest LP

FOR THE COMPLAINANT:

Date: 9·19·16

John Blevins
Director
Compliance Assurance and Enforcement Division

Re: Whole Foods Market
RCRA-06-2016-0904

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 9/19/16

Thomas Rucki
Regional Judicial Officer

ED_005188A_00001595-00019

Re: Whole Foods Market
RCRA-06-2016-0904

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of Sept, 2016, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Whole Foods Market Rocky Mountain/Southwest LP
c/o Whole Foods Market Central Office
Attn: John H. Hempfling II
550 Bowie Street
Austin, TX 78703

Lori Jackson

Ms. Lori Jackson
Paralegal

ED_005188A_00001595-00020

Appendix I
LIST OF WHOLE FOODS' FACILITIES IN TEXAS

Texas Locations:

255 E. Basse Rd, Ste. 130 San Antonio, TX 78209 United States	18403 Blanco Road San Antonio, TX 78258 United States	12601 Hill Country Blvd Bee Cave, TX 78738 United States
4100 Lomo Alto Dr Highland Park, TX 75219 United States	11700 Preston Rd Dallas, TX 75230 United States	4004 Bellaire Blvd Houston, TX 77025 United States
11041 Westheimer Rd Houston, TX 77042 United States	1411 E. Renner Road Richardson, TX 75082 United States	11920 Domain Drive Austin, TX 78758 United States
8190 Park Lane, Suite 351 Dallas, TX 75231 United States	1407 South Voss Rd Houston, TX 77057 United States	1925 Hughes Landing Blvd. Suite 100 The Woodlands, TX 77380 United States
525 N Lamar Blvd. Austin, TX 78703 United States	105 Stacy Rd. Fairview, TX 75069 United States	2955 Kirby Dr Houston, TX 77098 United States
10133 Louetta Road Houston, TX 77070 United States	801 East Lamar Blvd. Arlington, TX 76011 United States	4041 Waller Creek Highland Village, TX 75077 United States
2510 McKinney Ave. Dallas, TX 75201 United States	9607 Research Blvd. Austin, TX 78759 United States	6601 S. Fry Road Katy, TX 77494 United States
701 Waugh Drive Houston, TX 77019 United States	1700 Post Oak Blvd, Suite 100 Houston, TX 77056 United States	2201 Preston Rd Plano, TX 75093 United States
4801 Colleyville Blvd Colleyville, TX 76034 United States	4301 W. William Cannon Bldg B, Ste 800 Austin, TX 78749 United States	5100 Beltline Road, Suite 1012 Addison, TX 75254 United States
2118 Abrams Road Dallas, TX 75214 United States	15900 Southwest Freeway Sugar Land, TX 77479 United States	

Appendix II
List of Whole Foods' Facilities in EPA Region 6

Texas Locations:

255 E. Basse Rd, Ste. 130 San Antonio, TX 78209 United States	18403 Blanco Road San Antonio, TX 78258 United States	12601 Hill Country Blvd Bee Cave, TX 78738 United States
4100 Lomo Alto Dr Highland Park, TX 75219 United States	11700 Preston Rd Dallas, TX 75230 United States	4004 Bellaire Blvd Houston, TX 77025 United States
11041 Westheimer Rd Houston, TX 77042 United States	1411 E. Renner Road Richardson, TX 75082 United States	11920 Domain Drive Austin, TX 78758 United States
8190 Park Lane, Suite 351 Dallas, TX 75231 United States	1407 South Voss Rd Houston, TX 77057 United States	1925 Hughes Landing Blvd. Suite 100 The Woodlands, TX 77380 United States
525 N Lamar Blvd. Austin, TX 78703 United States	105 Stacy Rd. Fairview, TX 75069 United States	2955 Kirby Dr Houston, TX 77098 United States
10133 Louetta Road Houston, TX 77070 United States	801 East Lamar Blvd. Arlington, TX 76011 United States	4041 Waller Creek Highland Village, TX 75077 United States
2510 McKinney Ave. Dallas, TX 75201 United States	9607 Research Blvd. Austin, TX 78759 United States	6601 S. Fry Road Katy, TX 77494 United States
701 Waugh Drive Houston, TX 77019 United States	1700 Post Oak Blvd, Suite 100 Houston, TX 77056 United States	2201 Preston Rd Plano, TX 75093 United States
4801 Colleyville Blvd Colleyville, TX 76034 United States	4301 W. William Cannon Bldg B, Ste 800 Austin, TX 78749 United States	5100 Beltline Road, Suite 1012 Addison, TX 75254 United States
2118 Abrams Road Dallas, TX 75214 United States	15900 Southwest Freeway Sugar Land, TX 77479 United States	

Louisiana Locations:

300 North Broad Street, Suite 103 New Orleans, LA 70119 United States	7529 Corporate Blvd. Baton Rouge, LA 70809 United States	5600 Magazine Street New Orleans, LA 70115 United States
4247 Ambassador Caffery Parkway Lafayette, LA 70508 United States	3420 Veterans Memorial Blvd. Metairie, LA 70002 United States	3450 Highway 190, Suite 8 Mandeville, LA 70471 United States

New Mexico Locations:

753 Cerrillos Road Santa Fe, NM 87505 United States	2103 Carlisle Boulevard NE Albuquerque, NM 87110 United States	1090 S. St Francis Dr. Santa Fe, NM 87505 United States
5815 Wyoming Blvd NE Albuquerque, NM 87109 United States		

Oklahoma Locations:

9136 South Yale Avenue Tulsa, OK 74137 United States	6001 N. Western Ave. Oklahoma City, OK 73118 United States	1401 E. 41st St. Tulsa, OK 74105 United States

Arkansas Location:

501 Bowman Road Little Rock, AR 72211 United States	3425 N. College Ave. Fayetteville, AR 72703 United States	

Appendix III
Proposed Supplemental Environmental Project Summary
Whole Foods Rocky Mountain/Southwest LP

Whole Foods Market Rocky Mountain/Southwest LP ("WFM") proposes to implement an environmental compliance promotion project for the retail industry. The supplemental environmental project ("SEP") will consist of financing, developing and hosting a series of compliance promotion activities through several different media. The objective of the SEP is to educate the retail industry, particularly smaller retailers, in the State of Texas about the hazardous waste laws and regulations that apply to their operations.

Expected Environmental Benefit

WFM's SEP will achieve the objectives outlined in the United States Environmental Protection Agency's SEP Policy, as it goes above and beyond what is legally required in order to comply with the applicable federal and state hazardous waste laws, and it secures additional environmental benefits to those achieved through compliance alone. The anticipated environmental benefits from the proposed SEP will be reducing risks to public health and the environment by improving compliance with the applicable hazardous waste laws in the retail sector.

The value of WFM's environmental compliance promotion project will be substantial, as there are little to no compliance promotion materials available that specifically target the retail industry. This SEP will disseminate an extensive amount of information to the retail sector in Texas in order to raise awareness of, and educate the industry on, the federal and state hazardous waste laws that apply to the day-to-day operations of a retailer. Increasing the retail sector's knowledge of the regulatory requirements that apply to the industry will, in turn, reduce the instances in which hazardous wastes are improperly managed and disposed of by the retail industry.

Project Description

Compliance Promotion Activities

As part of the implementation of the SEP, WFM will, in conjunction with its partner organizations, present at least fifty (50) compliance trainings over the course of a three-year period. These trainings will be conducted through various media including, but not limited to, workshops, seminars and webinars, with question and answer opportunities for the participants. WFM will retain one or more third-party contractor(s) to assist with developing and conducting the trainings.

Training Materials

At or before each scheduled training, WFM will provide participants with educational materials that correspond to the session. These training materials will serve to reinforce

participants' understanding of the hazardous waste laws and regulations discussed during the training session, and will also serve as a resource that may be referenced and used to promote compliance going forward.

Advertising

WFM will advertise each scheduled training session at least two (2) times within the thirty (30) days preceding the session. WFM will pay to advertise each training session in at least two (2) locations (e.g., in an industry publication or website, a local trade paper or a local newspaper). These advertising provisions are minimum requirements for the project (i.e., WFM may conduct additional advertising if necessary to increase attendance, provided sufficient budget is available), and they are intended to provide WFM flexibility to target different and/or particular audiences for each training event.

Project Cost

The estimated cost of the SEP is five hundred thousand dollars ($500,000.00). WFM will provide EPA with a work plan and an estimated budget itemizing each component of this proposed SEP within ninety (90) days of the effective date of the CAFO.

Timeline

WFM will implement this proposed environmental compliance promotion project for a three-year period following the effective date of the CAFO and in compliance with the CAFO.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/3/2016 3:05:02 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: Whole Foods call with Marcia this afternoon

Since Andy's out of the office today and John is not going to be on call, I was planning to call Marcia directly from my office. I wasn't sure whether you wanted to join the call this afternoon. Let me know if you do and we can call Marcia from your office.

Also – Whole Foods got back re: conference call and there's a call scheduled for this Wednesday afternoon.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Annicella, Alan [annicella.alan@epa.gov]
Sent: 2/14/2017 7:39:46 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Annicella, Alan 2:36 PM:

Hi Laura!

Annicella, Alan 2:37 PM:

Sorry to drop in on you... Was there a "fact sheet" for the Whole Foods settlement? If so, would you please email me a copy...

Annicella, Alan 2:37 PM:

I have the CD, Appendix G and State notice letters... I have a meeting with the State of Alabama yesterday, so just trying to get everyting in front of me

Annicella, Alan 2:38 PM:

I mean meeting tomorrow... lol

Welles, Laura 2:38 PM:

Ok -- do you have a quick minute for a call?

Annicella, Alan 2:38 PM:

Yeah, sure!

Welles, Laura 2:38 PM:

Great -- I'll give you a call right now. It's easier to explain over the phone...

Annicella, Alan 2:39 PM:

404.562.8610

Message

From: Deborah Ng [dng@utah.gov]
Sent: 2/21/2017 1:57:49 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Duster, David [DUSTER.DAVID@EPA.GOV]
Subject: Enforcement Action Notice for Whole Foods Markets

Ms. Welles,

Could you provide us with more information regarding this enforcement action.

Best Regards,
Deborah

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

Message

From: Seltzer, Mark [Seltzer.Mark@epa.gov]
Sent: 2/16/2017 2:18:29 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: whole foods closing 9 stores

http://grist.org/briefly/whole-foods-is-finally-getting-its-comeuppance/?utm_campaign=daily-static&utm_medium=email&utm_source=edit-daily

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

Message

From: Sullivan, Greg [Sullivan.Greg@epa.gov]
Sent: 4/7/2017 3:04:07 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
CC: Lott, Don [Lott.Don@epa.gov]
Subject: RE: Whole Foods final order -- posted on EAB website

Congrats Laura. Great work.

From: Welles, Laura
Sent: Friday, April 07, 2017 10:16 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Lott, Don <Lott.Don@epa.gov>
Subject: FW: Whole Foods final order -- posted on EAB website

FYI

From: Welles, Laura
Sent: Friday, April 07, 2017 10:14 AM
To: Ng, Brian <Ng.Brian@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Senn, John <Senn.John@epa.gov>
Subject: Whole Foods final order -- posted on EAB website

Here's the link:

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/a32958a86c47d3d485256fc70049e837/e9731c9ccd37c260852580fb004d41e4!OpenDocument

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Jonesi, Gary [Jonesi.Gary@epa.gov]
Sent: 2/7/2017 10:58:48 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Re: Proposed Whole Foods CAFO Conference Call

Ok

--Gary

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

On Feb 7, 2017, at 5:48 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> That's fine -- let's aim for 1:30.
>
> **From:** Jonesi, Gary
> **Sent:** Tuesday, February 07, 2017 5:18 PM
> **To:** Welles, Laura <Welles.Laura@epa.gov>
> **Cc:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Subject:** Re: Proposed Whole Foods CAFO Conference Call
>
> Laura, I have a 12pm lunch date tomorrow with my former law clerk and may not be available until closer to 1:30.
>
> --Gary

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

On Feb 7, 2017, at 4:50 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Thanks Gary.
>
> Today I got a chance to look more into some of the potential areas you noted yesterday – if you're still free around 1 tomorrow, I'll stop by your office to discuss.
>
> Laura
>
> ---
>
> **From:** Jonesi, Gary
> **Sent:** Tuesday, February 07, 2017 4:32 PM
> **To:** Welles, Laura <Welles.Laura@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Subject:** RE: Proposed Whole Foods CAFO Conference Call
>
> Got it and accepted.
>
> --Gary
>
> <image003.jpg>
>
> <image005.jpg>
>
> Gary A. Jonesi
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
> Washington, D.C. 20004
>
> 202-564-4002 (direct)
> 703-304-6392 (cell)
> jonesi.gary@epa.gov
>
> ---
>
> **From:** Welles, Laura
> **Sent:** Tuesday, February 07, 2017 4:14 PM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
> **Subject:** RE: Proposed Whole Foods CAFO Conference Call
>
> I was in the midst of sending… The call is set for Thursday at 3 pm.

I already gave Michelle your emails and so you should receive an invite shortly.

From: Welles, Laura
Sent: Tuesday, February 07, 2017 4:13 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: RE: Proposed Whole Foods CAFO Conference Call

FYI – call on 2/9 (Thur

From: Wenisch, Michelle
Sent: Tuesday, February 07, 2017 4:05 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Proposed Whole Foods CAFO Conference Call

Hi Laura, I have spoken with the Whole Foods folks, and they are available at 3pm ET on Thursday, February 9. Could you please let your colleagues know? In the meantime, I will send a calendar invitation to you, Jon Fogerty, Gary Jonesi, John Hempfling, and Jennifer Hartmann King for that day/time. I don't expect the call to last more than 15 minutes, but the invitation will be for a half-hour call.

Thanks very much,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122

From: Welles, Laura
Sent: Tuesday, February 07, 2017 2:12 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>
Subject: RE: Proposed Whole Foods CAFO Conference Call

Michelle,

Thank you for the update.

I'll wait to hear from you.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Wenisch, Michelle
Sent: Tuesday, February 07, 2017 1:58 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Proposed Whole Foods CAFO Conference Call

Hi Laura, quick update: I've left messages for both John Hempfling and Jennifer Hartmann King, but so far I've not received return calls. I will keep you posted.

Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 1/19/2017 7:04:33 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods Transmittal Memo for EAB review_final draft_1-18-17 rak rev

One more thing – please make sure that there are no orphan headings at the bottom of a page. Thanks.

Rosemarie

From: Kelley, Rosemarie
Sent: Thursday, January 19, 2017 2:02 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Stedeford, Todd <Stedeford.Todd@epa.gov>
Subject: Whole Foods Transmittal Memo for EAB review_final draft_1-18-17 rak rev

Laura –

Congratulations on a great result in this case!

I have a few comments on the transmittal memo (see attached). I'd be happy to walk you thru them or answer any questions.

Rosemarie

Message

From: Sullivan, Greg [Sullivan.Greg@epa.gov]
Sent: 2/6/2017 9:25:50 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
Subject: RE: Whole Foods

Sure

From: Welles, Laura
Sent: Monday, February 06, 2017 4:25 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: Whole Foods

Is it possible to meet with the three of you this afternoon right after Van's meeting? I think it gets out at 5 and so if it works for you, I'll stop by Greg's office at 5.

I want to touch base with you quickly about Whole Foods.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Isner, Robert [Robert.Isner@ct.gov]
Sent: 1/19/2017 7:01:51 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Ms. Welles,

Thank you for sending the attached notice of forthcoming action. If this case will result in payment of penalties and there is the opportunity for an SEP, CT has some ideas we would be happy to explore for the retail grocery sector as DEEP has been advising this sector on RCRA issues and preparing for phase in of a Connecticut organics diversion law.

Sincerely,

Robert C. Isner
Director
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424-3264 | F: 860.424-4059 | E: robert.isner@ct.gov

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 1:16 PM
To: Isner, Robert <Robert.Isner@ct.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Mr. Isner:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:16:26 PM
To: Isner, Robert [Robert.Isner@ct.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_CT.pdf

Dear Mr. Isner:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Robert Isner, Director
Waste Engineering and Enforcement Division
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Isner:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Weekley, Erin [weekley.erin@epa.gov]
Sent: 1/19/2017 3:13:36 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

I'm out of the office this morning. Anne Rauch is acting and can be reached at x7288. I'll respond to your message when I return.

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 4/3/2017 12:29:39 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods Consent Agreement: Follow-up Call

I am out of the offfice until April 17th and will only be checking email sporadically. The following provides the schedule for who will be serving as Acting Branch Chief in my absense.

Wed March 29th: Pete Raack
Th March 30th: Pete Raack
Fri March 31st" Leslie Oif

Mon April 3rd: Pete Raack
Tues April 4th: Leslie Oif
Wed April 5th: Pete Raack
Th April 6th: Pete Raack
Fri April 7th: Leslie Oif

Mon April 10th: Pete Raack
Tues April 11t:h Ann Stephanos
Wed April 12th: Pete Raack
Th April 13th: Pete Raack

Message

From: Stedeford, Todd [Stedeford.Todd@epa.gov]
Sent: 1/19/2017 3:01:18 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]
Subject: Whole Foods package

Rosemarie,

I just placed the Whole Foods package in your inbox. One question I had was how to formally sign on behalf of someone else. I used the *per procurationem* "by/through agency" format (*i.e.*, p.p. [my signature]). If this is incorrect, please let me know, and we can print and resign the signature page.

Thanks,

Todd

Todd Stedeford
Acting Chief
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
William Jefferson Clinton Bldg., South, Rm. 4104A
1201 Constitution Ave., NW
Washington, DC 20004
Tel: (202) 564-2977
E-mail: stedeford.todd@epa.gov

Non Delivery Report

From: postmaster@wholefoods.com [postmaster@wholefoods.com]
Sent: 3/31/2017 8:11:30 PM
To: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Subject: Undeliverable: Whole Foods CAFO -- follow up to today's conference call

Your message did not reach some or all of the intended recipients.

Subject:Whole Foods CAFO -- follow up to today's conference call
Sent:3/31/2017 8:11:36 PM

The following recipient(s) cannot be reached:

John Hempfling (CE CEN) on 3/31/2017 8:11:36 PM
Diagnostic code = LengthConstraintViolatd; Reason code = TransferFailed; Status code = 523
< #5.2.3 smtp;550 5.2.3 RESOLVER.RST.RecipSizeLimit; message too large for this recipient>

Delivery has failed to these recipients or groups:

John Hempfling (CE CEN) (John.Hempfling@wholefoods.com)
The recipient won't be able to receive this message because it's too large.

The maximum message size that's allowed is 10 MB. This message is 12 MB.

Diagnostic information for administrators:

Generating server: odwp9027.wfm.pvt

John.Hempfling@wholefoods.com
Remote Server returned '550 5.2.3 RESOLVER.RST.RecipSizeLimit; message too large for this recipient'

Original message headers:

```
Received: from CEWP9056.wfm.pvt (10.4.99.67) by odwp9027.wfm.pvt (10.2.99.63)
 with Microsoft SMTP Server (TLS) id 15.0.1263.5; Fri, 31 Mar 2017 15:11:28
 -0500
Received: from smtp1.wholefoods.com (172.16.3.20) by CEWP9056.wfm.pvt
 (10.4.99.67) with Microsoft SMTP Server (TLS) id 15.0.1263.5 via Frontend
 Transport; Fri, 31 Mar 2017 15:11:28 -0500
Received-SPF: None (smtp1.wholefoods.com: no sender authenticity
  information available from domain of Welles.Laura@epa.gov)
  identity=pra; client-ip=23.103.200.139;
  receiver=smtp1.wholefoods.com;
  envelope-from="Welles.Laura@epa.gov";
  x-sender="Welles.Laura@epa.gov";
  x-conformance=sidf_compatible
Received-SPF: None (smtp1.wholefoods.com: no sender authenticity
```

```
  information available from domain of Welles.Laura@epa.gov)
  identity=mailfrom; client-ip=23.103.200.139;
  receiver=smtp1.wholefoods.com;
  envelope-from="Welles.Laura@epa.gov";
  x-sender="Welles.Laura@epa.gov";
  x-conformance=sidf_compatible
Received-SPF: Pass (smtp1.wholefoods.com: domain of
  postmaster@gcc01-CY1-obe.outbound.protection.outlook.com
  designates 23.103.200.139 as permitted sender) identity=helo;
  client-ip=23.103.200.139; receiver=smtp1.wholefoods.com;
  envelope-from="Welles.Laura@epa.gov";
  x-sender="postmaster@gcc01-CY1-obe.outbound.protection.outlook.com";
  x-conformance=sidf_compatible; x-record-type="v=spf1"
Authentication-Results: smtp1.wholefoods.com; spf=None smtp.pra=Welles.Laura@epa.gov;
spf=None smtp.mailfrom=Welles.Laura@epa.gov; spf=Pass smtp.helo=postmaster@gcc01-CY1-
obe.outbound.protection.outlook.com; dkim=pass (signature verified)
header.i=@usepa.onmicrosoft.com
X-Ironport-SBRS: 3.5
X-Ironport-Group-Policy: TLS_REQUIRED-$TLS_REQUIRED
X-IronPort-AV: E=Sophos;i="5.36,253,1486447200";
   d="scan'";a="26058176"
X-Amp-Result: CLEAN
X-Amp-File-Uploaded: False
Received: from mail-cy1gcc01on0139.outbound.protection.outlook.com (HELO gcc01-CY1-
obe.outbound.protection.outlook.com) ([23.103.200.139])
  by smtp1.wholefoods.com with ESMTP/TLS/AES256-SHA256; 31 Mar 2017 15:10:55 -0500
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
 bh=EK+rqz4OLcAnHBGyRGfHDnwG44n3wCOvPvPqdLPuR7I=;

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Received: from BN6PR09MB1380.namprd09.prod.outlook.com (10.172.22.135) by
 BN6PR09MB1379.namprd09.prod.outlook.com (10.172.22.22) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_128_CBC_SHA256_P256) id
 15.1.1005.10; Fri, 31 Mar 2017 20:10:49 +0000
Received: from BN6PR09MB1380.namprd09.prod.outlook.com ([10.172.22.135]) by
 BN6PR09MB1380.namprd09.prod.outlook.com ([10.172.22.135]) with mapi id
 15.01.1005.015; Fri, 31 Mar 2017 20:10:50 +0000
From: "Welles, Laura" <Welles.Laura@epa.gov>
To: "Wenisch, Michelle" <Wenisch.Michelle@epa.gov>
CC: "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, Jennifer Hartman King
        <jhartmanking@kingwilliamslaw.com>, "John Hempfling (CE CEN)"
        <John.Hempfling@wholefoods.com>
Subject: Whole Foods CAFO -- follow up to today's conference call
Thread-Topic: Whole Foods CAFO -- follow up to today's conference call
Thread-Index: AdKqWrS/7M3zH+foRyWSLPuw2+StuA==
Date: Fri, 31 Mar 2017 20:10:49 +0000
Message-ID:
<BN6PR09MB1380ADA97925574C04C1BBA9F370@BN6PR09MB1380.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [161.80.1.4]
x-microsoft-exchange-diagnostics:
1;BN6PR09MB1379;7:AXEPvNO/R0NeAh1XkqgRx7+jTNqmacSnaOZji1bQh5gh25lBAvwONRVyJaIne s9hX7dN+Fj
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MRAg==
x-ms-office365-filtering-correlation-id: d728e418-2192-4c83-d00c-08d4787206ea
```

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02281549075);SRVP:BN6PR09MB1379;
x-microsoft-antispam-prvs:
<BN6PR09MB13799578F8AB168B891288119F370@BN6PR09MB1379.namprd09.prod.outlook.com>
x-exchange-antispam-report-test: UriScan:(21748063052155);
x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(102415395)(6040450)(601004)(2401047)(8121501046)(5005006)(93006095)(9
3001095)(3002001)(10201501046)(6041248)(20161123555025)(201703131423075)(201702281528075)
(201703061421075)(20161123560025)(20161123562025)(20161123564025)(6072148);SRVR:BN6PR09MB
1379;BCL:0;PCL:0;RULEID:;SRVP:BN6PR09MB1379;
x-forefront-prvs: 02638D901B
x-forefront-antispam-report:
SFV:NSPM;SFS:(10019020)(6009001)(39850400002)(39860400002)(39410400002)(39450400003)(3940
0400002)(39840400002)(30513003)(6436002)(6506006)(2900100001)(55016002)(4326008)(18999800
1)(3280700002)(2906002)(66066001)(3660700001)(77096006)(53936002)(81166006)(110136004)(86
362001)(99936001)(8676002)(99286003)(54896002)(9686003)(6306002)(54906002)(8936002)(56603
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);DIR:OUT;SFP:1102;SCL:1;SRVR:BN6PR09MB1379;H:BN6PR09MB1380.namprd09.prod.outlook.com;FPR
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spandiagnosticoutput: 1:99
spandiagnosticmetadata: NSPM
Content-Type: multipart/mixed;
        boundary="_006_BN6PR09MB1380ADA97925574C04C1BBA9F370BN6PR09MB1380namp_"
MIME-Version: 1.0
X-MS-Exchange-CrossTenant-originalarrivaltime: 31 Mar 2017 20:10:49.9455
 (UTC)
X-MS-Exchange-CrossTenant-fromentityheader: Hosted
X-MS-Exchange-CrossTenant-id: 89b378b3-6748-4867-acf9-76aacbeca6a7
X-MS-Exchange-Transport-CrossTenantHeadersStamped: BN6PR09MB1379
Return-Path: Welles.Laura@epa.gov

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 1/19/2017 1:58:03 PM
To: Stedeford, Todd [Stedeford.Todd@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: FW: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Todd-

Whole Foods has signed the CAFO and the package will be assembled today but it appears it will not be filed with the EAB until Monday.

Greg and I have reviewed the CAFO and I have reviewed the EAB memo and provided only very minor edits to Laura. The CAFO is ready to sign.

I can call you shortly to check in.
Thank you
Diana

Sent from my Windows Phone

From: Fogarty, Johnpc
Sent: 1/18/2017 10:00 PM
To: Welles, Laura; Saenz, Diana; Kelley, Rosemarie
Subject: Fwd: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Looks like we are good to go (I hope)!

Sent from my iPhone

Begin forwarded message:

> **From:** "Jennifer Hartman King" <JHartmanKing@kingwilliamslaw.com>
> **To:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Welles, Laura" <Welles.Laura@epa.gov>
> **Cc:** "John Hempfling (CE CEN)" <John.Hempfling@wholefoods.com>, "Aminah Famili" <AFamili@kingwilliamslaw.com>, "Anna Brown" <ABrown@kingwilliamslaw.com>
> **Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison**
>
> Dear Laura and John,
>
> Attached, please find the CAFO with WFM's signature. As Laura and I discussed today, I understand this will allow you to seek signatures on your end tomorrow. I expect to receive WFM's "wet" signature copy on Friday morning. If all goes according to plan, I will package it with all of the exhibits (the redacted and the non-redacted versions), and mail everything to Laura for delivery on Monday morning. She will then hand-deliver the filing to EAB and serve all parties.
>
> Laura, as promised, I have attached a document comparison showing the minor nits that we addressed in the CAFO today. All the other documents are unchanged substantively, but we have beefed up the CBI language in an abundance of caution to address 40 CFR 22.5(d). We will send

you a Dropbox link shortly will all of the final documents.

If you need anything further from me, please do not hesitate to reach out. The best number to reach me tomorrow will be on my cell phone (916.616.4378).

Thanks so much,
Jennifer

Jennifer Hartman King, Managing Partner
[King-Williams-1-and-a-half-inch-logo]

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email:
JHartmanKing@KingWilliamsLaw.com<mailto:JHartmanKing@KingWilliamsLaw.com>

Website: www.KingWilliamsLaw.com<http://www.kingwilliamslaw.com/>
Click Here for King Williams LLP News and Alerts<http://www.kingwilliamslaw.com/news-alerts/>

_____
This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

<image001.gif>

<USEPA CAFO (WFM Executed) (00014446xD64DF).pdf>

<USEPA CAFO (Doc Compare bt 1-17-17 Final Draft and 1-18-17 Final) (00014447xD64DF).docx>

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 3/28/2017 12:31:24 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods Friday?

Perfect and thanks…

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Tuesday, March 28, 2017 8:31 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: Whole Foods Friday?

It's my understanding that Susan will be on the call.
I don't think it needs to be on the general because John has been keeping Susan in the loop, etc.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Tuesday, March 28, 2017 8:20 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Friday?

Ok. So, one of them will be on … and are they briefed? Should it be on the general for Susan? I am guessing John handled filling them in… Let me know if there is anything I should do.

--A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574

crossland.andy@epa.gov

From: Welles, Laura
Sent: Tuesday, March 28, 2017 8:18 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: Whole Foods Friday?

The EAB attorney set up another meeting to discuss the issues previously discussed on the other two calls. If you recall, there was a request to have Susan or Rosemarie on the line for OECA. The proposed dates for the meeting were last week, but due to scheduling conflicts it was pushed to this Friday.

Laura

From: Crossland, Andy
Sent: Monday, March 27, 2017 2:29 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Whole Foods Friday?

Hey. Greg says he sees a Whole Foods meeting on Friday. Any scoop?

-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: Senn, John [Senn.John@epa.gov]
Sent: 1/13/2017 3:40:12 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Templates for Whole Foods Press Release and Web Info. Sheet

I will be out of the office have limited access to email until January 23. Please contact Brian Ng at ng.brian@epa.gov if you need immediate assitance.

Message

From: Matthews, Julie [Matthews.Juliane@epa.gov]
Sent: 1/25/2017 12:52:35 AM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Ogle, Kimberly [Ogle.Kimberly@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
Subject: Re: Whole Foods Settlement

Thanks very much Laura. We will look for the word that it has actually been entered. It looks like an excellent settlement. Congratulations.
Julie

Sent from my iPhone

> On Jan 24, 2017, at 3:12 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:
>
> Hi Julie,
>
> Thank you for your email. The attached consent agreement (along with several appendices) was filed yesterday with the Environmental Appeals Board. It is my understanding that the plan is to do a press release, but not until the EAB ratifies the consent agreement (could be 3 to 4 weeks from date of filing).
>
> The RCRA violations alleged include:
>
> · Failure to make a hazardous waste determination as required by 40 C.F.R. § 262.11 and
> · Failure to comply with some of the universal waste standards set forth in 40 C.F.R. §§ 273.13 through 273.16.
>
> Under the proposed settlement, Whole Foods Market Group, Inc., et al. will:
>
>
> · pay a civil penalty of $500,000,
>
> · expend $2,750,000 on a SEP (the SEP is focused on protection of children's health through removal and replacement of PCB-containing fluorescent lamp fixtures in schools and community centers in low-income neighborhoods.),
>
> · perform injunctive relief, and
>
> · retain an independent third party auditor to conduct a hazardous waste compliance audit of select Whole Foods Market stores.
>
> Please let me know if you have any questions.
>
> Thanks,
> Laura
>
> Laura Welles
> Attorney Advisor
> Waste and Chemical Enforcement Division
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> (202) 564-2754
>
> From: Matthews, Julie
> Sent: Tuesday, January 24, 2017 12:40 PM
> To: Welles, Laura <Welles.Laura@epa.gov>
> Cc: Ogle, Kimberly <Ogle.Kimberly@epa.gov>
> Subject: Whole Foods Settlement
>
> Hi Laura- the Whole Foods case sounds interesting. Could you please send a copy of the CAFO, and press release if it is handy. We've had some questions about the details of the case – what are the specific violations, settlement terms etc.
> Thanks much
> Julie
>
> Juliane Matthews
> Assistant Regional Counsel
> U.S. Environmental Protection Agency- Region 10

> 1200 Sixth Avenue, Suite 900, ORC -113
> Seattle, WA 98101
> (206) 553-1169
> matthews.juliane@epa.gov<mailto:matthews.juliane@epa.gov>
>
> <In the Matter of Whole Foods Market Group, Inc., et al._Executed Consent Agreement.pdf>

Message

From: Annicella, Alan [Annicella.Alan@epa.gov]
Sent: 1/6/2017 2:23:33 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Thank you!
Alan

Alan A. Annicella, Acting Chief
Hazardous Waste Enforcement and Compliance Section
Resource Conservation and Restoration Division
The US EPA - Region 4 - Sam Nunn Atlanta Federal Center
61 Forsyth St, SW
Atlanta, Georgia 30303
Office phone: 404.562.8610
Fax 404.562.8566

From: Welles, Laura
Sent: Thursday, January 05, 2017 4:06 PM
To: Annicella, Alan <Annicella.Alan@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

FYI – I didn't see your name on the list and I know from when you sent me the RCRA POCs re: state notice that you wanted to be kept updated, etc.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark

<Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Annicella, Alan [Annicella.Alan@epa.gov]
Sent: 12/14/2016 4:34:56 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: State points of contact
Attachments: R4 State Contacts.docx

Hi Andy and Laura,

Our apologies for the delay in getting these contacts to you. Please find them attached.

If you have a briefing sheet for Whole Foods that I could share with the State Coordinators, (if there is one that can be publicly shared that would be even better), it would be helpful so our State Coordinators are aware of the purpose and intent of the Order in case there are any questions.

If there are any questions of us, please let us know.
Alan

Alan A. Annicella, Acting Chief
Hazardous Waste Enforcement and Compliance Section
Resource Conservation and Restoration Division
The US EPA - Region 4 - Sam Nunn Atlanta Federal Center
61 Forsyth St, SW
Atlanta, Georgia 30303
Office phone: 404.562.8610
Fax 404.562.8566

From: Welles, Laura
Sent: Monday, December 12, 2016 4:38 PM
To: Annicella, Alan <Annicella.Alan@epa.gov>
Subject: FW: State points of contact

FYI

From: Crossland, Andy
Sent: Wednesday, November 30, 2016 8:02 AM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cheryl Jamison <jamison.cheryl@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron

<Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: State points of contact

Good morning everyone.

As we mentioned on our last REM call, OECA is moving towards a national settlement with Whole Foods, building on the work done in R6. In order to provide notice to the states, we need to collect info on the point of contact for each state. Could I get an email from each region with your up to date contact list - with names and addresses? Please copy Laura Welles whom I have CC'ed on this message.

Many thanks for your help,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 12/13/2016 10:01:50 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/Whole Foods Market -- EPA 12-13-16 revisions to Draft CAFO

I am in depos on 12/12-13/16 with limited access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 1/5/2017 9:08:14 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Thank you for making it so easy.....
---A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 4:07 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Thank you Andy!

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 1/23/2017 9:36:38 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: WF at Division meeting?

Go Go Go!

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Monday, January 23, 2017 3:28 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: WF at Division meeting?

Yes – hopefully it will be filed by then.

From: Crossland, Andy
Sent: Monday, January 23, 2017 3:14 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: WF at Division meeting?

Hey – will you be able to make the Div Meeting tomorrow and up for giving everyone a description of whole foods?

--A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Sent: 12/13/2016 9:06:34 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: State points of contact
Attachments: Copy of RCRA STATE CONTACTS.xlsx

Thanks for your patience. Sorry for the delay.

Mary Jane O'Donnell
617-918-1371

From: Crossland, Andy
Sent: Wednesday, November 30, 2016 8:02 AM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cheryl Jamison <jamison.cheryl@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: State points of contact

Good morning everyone.

As we mentioned on our last REM call, OECA is moving towards a national settlement with Whole Foods, building on the work done in R6. In order to provide notice to the states, we need to collect info on the point of contact for each state. Could I get an email from each region with your up to date contact list - with names and addresses? Please copy Laura Welles whom I have CC'ed on this message.

Many thanks for your help,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Delivery Report

From: Chang, Steven Y [steven.chang@doh.hawaii.gov]
Sent: 1/20/2017 8:21:14 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Chang, Steven Y

was read on 1/20/2017 8:21:14 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 8:21:20 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 8:21:14 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Bahr, Tim [Tim.Bahr@dep.state.fl.us]
Sent: 1/20/2017 6:21:32 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: removed.txt

Thanks for the update, forgot DC government was closed today.

Tim J. Bahr, P.G., Assistant Director
Division of Waste Management
850-245-8790

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, January 20, 2017 1:17 PM
To: Bahr, Tim <Tim.Bahr@dep.state.fl.us>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Tim,

Thank you for your email. I'm out of the office today, but wanted to let you know I received your email. I will touch base with you early next week regarding your questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Bahr, Tim [mailto:Tim.Bahr@dep.state.fl.us]
Sent: Thursday, January 19, 2017 5:07 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Thanks Laura, how does the nationwide settlement affect Florida stores and is Whole Foods supposed to provide anything to the department?

Tim J. Bahr, P.G., Assistant Director
Division of Waste Management
850-245-8790

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 4:36 PM
To: Bahr, Tim <Tim.Bahr@dep.state.fl.us>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Tim,

It is my understanding that no stores in Florida were inspected.

Please let me know if you have any additional questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Bahr, Tim [mailto:Tim.Bahr@dep.state.fl.us]
Sent: Thursday, January 19, 2017 4:33 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Hi Laura,

Please confirm that no stores from Florida were inspected.

Thanks,

Tim J. Bahr, P.G., Assistant Director
Division of Waste Management
850-245-8790

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 4:17 PM
To: Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>; Bahr, Tim <Tim.Bahr@dep.state.fl.us>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

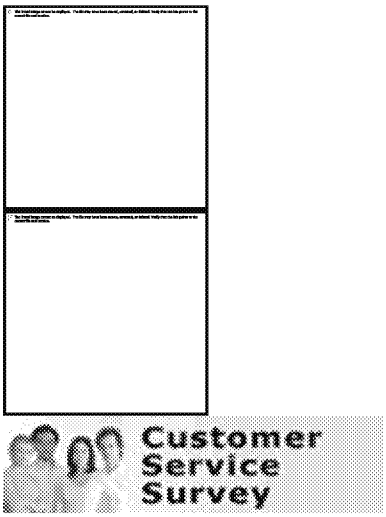
Dear Tim and Glen:

Attached please find an Enforcement Action Notice (Notice) for each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754



********** ATTACHMENT REMOVED **********

This message contained an attachment which the administrator has caused to be removed.

********** ATTACHMENT REMOVED **********

Attachment name: [image001.jpg]

Attachment type: [image/jpeg]

Message

From: JOHNSTON, NANCY [NJOHNSTO@idem.IN.gov]
Sent: 1/20/2017 3:52:45 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Susan Lowry [slowry@idem.in.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Laura,
Is there any inspection report(s) or any additional information on the violations that we could get a copy of?

Thanks, Nancy

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 4:53 PM
To: JOHNSTON, NANCY
Cc: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dear Ms. Johnston:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Motamedi, Saadi (DEP) [Saadi.Motamedi@MassMail.State.MA.US]
Sent: 1/20/2017 1:14:03 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Ruch, Susan (DEP) [susan.ruch@state.ma.us]; DiSalvio, Dan (DEP) [dan.disalvio@state.ma.us]; Steele-Perkins, Giles (DEP) [giles.steele-perkins@state.ma.us]; Blanchet.Richard@state.ma.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Laura:

Are you able to give us a list of the facilities that are subject to the EPA's enforcement?

Thank you,

Saadi Motamedi, Section Chief
Compliance and Enforcement
Bureau of Air and Waste
Massachusetts Department of Environmental Protection
Western Regional Office
436 Dwight Street, Springfield, MA 01103
Phone: 413/755-2131 Fax: 413/784-1149
E-Mail: Saadi.Motamedi@state.ma.us

~The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, please do not retransmit or disseminate. If you have received this email in error please contact me and delete the material from your computer.

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 1:53 PM
To: Ruch, Susan (DEP); DiSalvio, Dan (DEP); Steele-Perkins, Giles (DEP); Motamedi, Saadi (DEP); Blanchet.Richard@state.ma.us
Cc: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

All:

Attached please find Enforcement Action Notices (Notice) to each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

(202) 564-2754

Message

From: Deborah Ng [dng@utah.gov]
Sent: 2/27/2017 8:40:19 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Duster, David [DUSTER.DAVID@EPA.GOV]
Subject: Re: Enforcement Action Notice for Whole Foods Markets
Attachments: removed.txt

Ms Welles,

If you could describe if any stores in Utah were impacted with the lawsuit and what steps Whole Foods has taken based on the enforcement action, we may not need a conference call. If you think it best to have a conference call, I'm available most of the day.

Best Regards,
Deborah

On Mon, Feb 27, 2017 at 1:31 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

Hi Deborah:

Thank you for your email. Sorry for the delay in getting back to you, but I was out of the office all last week.

Are you available for a conference call this Thursday (3/2) to discuss the Whole Foods matter? If so, please let me know what times work best for you. If this Thursday does not work for you, please email me some days and times that work for you next week.

Thanks,

Laura

Laura Welles

Attorney Advisor

Waste and Chemical Enforcement Division

Office of Civil Enforcement

U.S. Environmental Protection Agency

(202) 564-2754

From: Deborah Ng [mailto:dng@utah.gov]
Sent: Tuesday, February 21, 2017 8:58 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Duster, David <DUSTER.DAVID@EPA.GOV>
Subject: Enforcement Action Notice for Whole Foods Markets

Ms. Welles,

Could you provide us with more information regarding this enforcement action.

Best Regards,

Deborah

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

********** ATTACHMENT REMOVED **********

This message contained an attachment which the administrator has caused to be removed.

********** ATTACHMENT REMOVED **********

Attachment name: [image001.jpg]

Attachment type: [image/jpeg]

Message

From: Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Sent: 12/1/2016 4:57:50 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: State points of contact
Attachments: Region 8 RCRA State Managers and Contacts.pdf

Andy,

Attached is a pdf file of our Region 8 state contacts. I would send the notice to the Haz waste mangers. The only correction I have for the list is CO. There has been a change - Doug Knappe is the Haz. waste manager now. Let me know if you need anything else.

Aaron Urdiales, Director
RCRA/CERCLA Technical Enforcement Program
US EPA Region 8, 8ENF
1595 Wynkoop St
Denver, CO 80202
303-312-6844

From: Crossland, Andy
Sent: Wednesday, November 30, 2016 6:02 AM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cheryl Jamison <jamison.cheryl@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: State points of contact

Good morning everyone.

As we mentioned on our last REM call, OECA is moving towards a national settlement with Whole Foods, building on the work done in R6. In order to provide notice to the states, we need to collect info on the point of contact for each state. Could I get an email from each region with your up to date contact list - with names and addresses? Please copy Laura Welles whom I have CC'ed on this message.

Many thanks for your help,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division

Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: Washington, Debra [Washington.Debra@epa.gov]
Sent: 12/22/2016 10:56:25 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Help with State notice in WFM matter

I will be out of the office on Thursday, December 22 and will return on Friday, December 23.
If you need assistance, please contact Tawanna Cathey on 564-7106.

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 12/20/2016 9:11:15 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
Subject: RE: quick check in re: Whole Foods

Yup, 4:30 is good.

-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Tuesday, December 20, 2016 3:54 PM
To: Saenz, Diana <Saenz.Diana@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: quick check in re: Whole Foods

Great – I'll stop by your office a little after 4:30.

Andy – does this timing work for you?

Thanks,
Laura

From: Saenz, Diana
Sent: Tuesday, December 20, 2016 3:53 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: quick check in re: Whole Foods

I can – prob 4:30

Diana J. Saenz
Acting Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

From: Welles, Laura
Sent: Tuesday, December 20, 2016 3:39 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: quick check in re: Whole Foods

Andy and Diana,

I just wanted to quickly touch base with you this afternoon re: Whole Foods – do you have about 15 minutes before the end of today to discuss?

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 1/23/2017 1:32:09 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: WF

I will be out of the office Monday 1/23 through Thursday 1/26.
I will respond to your email when I return.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 3:15:05 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

FYI - since you've been my contact re: RCRA state POCS, I'll plan to copy you on the email with notice.

From: Welles, Laura
Sent: Thursday, January 19, 2017 10:13 AM
To: Crossland, Andy ; amend, carol ; Arrazola, Ignacio ; Cunningham, Michael ; Duster, David ; Figur, Charles ; Goetz, Mary ; Hansen, Susan ; Jamieson, Cheryl ; Lamberth, Larry ; Maldonado, Lewis ; Matthews, Julie ; McDaniel, Doug ; McKeePerez, Nancy ; Michuda, Colleen E. ; Moore, Letitia ; Morris, Julie ; O'Donnell, Mary Jane ; Ogle, Kimberly ; Potts, Mark ; Redleaf-Durbin, Joan ; Sawyer, William ; Schefski, Kenneth ; Simpson, Andrea ; Singhvi, Sunita ; Stuckey, Troy ; Thomas, Derval ; Tidmore, Guy ; Urdiales, Aaron ; Victorine, Gary ; Voo, Leonard ; Weekley, Erin
Cc: Saenz, Diana ; Stedeford, Todd ; Sullivan, Greg
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs,

As indicated in the email chain below, notice to the States regarding the above matter will be sent via email and regular mail once Whole Foods Market Group, Inc., et al. signs the Consent Agreement.

Late yesterday Whole Foods Market Group, Inc., et al. signed the Consent Agreement and so notice will be sent to States today (with the exception of Region 6 States and States that do not have Whole Foods Market stores (i.e., Vermont, West Virginia, Montana, South Dakota, North Dakota, Wyoming, and Alaska) - the only U.S. Territory to receive notice is D.C.). The notice will be sent via email and regular mail - I plan to copy the region on the email.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E.

<Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter - and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement

U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/31/2017 7:15:48 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: FW: Whole Foods Settlement
Attachments: In the Matter of Whole Foods Market Group, Inc., et al._Executed Consent Agreement.pdf

FYI - see particulars below in advance of conversation with Tim. As set forth below, the attached CA was filed on 1/23 with the Environmental Appeals Board. It is my understanding that the plan is to do a press release, but not until the EAB ratifies the consent agreement (could be 3 to 4 weeks from date of filing).

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Welles, Laura
Sent: Tuesday, January 24, 2017 6:13 PM
To: Matthews, Julie
Cc: Ogle, Kimberly ; Crossland, Andy ; Saenz, Diana
Subject: RE: Whole Foods Settlement

Hi Julie,

Thank you for your email. The attached consent agreement (along with several appendices) was filed yesterday with the Environmental Appeals Board. It is my understanding that the plan is to do a press release, but not until the EAB ratifies the consent agreement (could be 3 to 4 weeks from date of filing).

The RCRA violations alleged include:

- Failure to make a hazardous waste determination as required by 40 C.F.R. § 262.11 and
- Failure to comply with some of the universal waste standards set forth in 40 C.F.R. §§ 273.13 through 273.16.

Under the proposed settlement, Whole Foods Market Group, Inc., et al. will:

- pay a civil penalty of $500,000,
- expend $2,750,000 on a SEP (the SEP is focused on protection of children's health through removal and replacement of PCB-containing fluorescent lamp fixtures in schools and community centers in low-income neighborhoods.),
- perform injunctive relief, and
- retain an independent third party auditor to conduct a hazardous waste compliance audit of select Whole Foods Market stores.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Matthews, Julie
Sent: Tuesday, January 24, 2017 12:40 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Ogle, Kimberly <Ogle.Kimberly@epa.gov>
Subject: Whole Foods Settlement

Hi Laura- the Whole Foods case sounds interesting. Could you please send a copy of the CAFO, and press release if it is handy. We've had some questions about the details of the case - what are the specific violations, settlement terms etc. Thanks much

Julie

Juliane Matthews
Assistant Regional Counsel
U.S. Environmental Protection Agency- Region 10
1200 Sixth Avenue, Suite 900, ORC -113
Seattle, WA 98101
(206) 553-1169
matthews.juliane@epa.gov

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:	)	EPA Docket No. RCRA-HQ-2017-0001
Whole Foods Market Group, Inc., Whole Foods Market California, Inc., Mrs. Gooch's Natural Food Markets, Inc., Whole Foods Market Pacific Northwest, Inc., Whole Foods Market Rocky Mountain/ Southwest, L.P., WFM Northern Nevada, Inc., WFM Southern Nevada, Inc., WFM Hawaii, LLC, WFM Kansas, LLC, WFM-WO, Inc., Nature's Heartland, Inc., WFM Nebraska, LLC, and Whole Foods Market Lusher Court Frisco CO, LLC	)	Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)
RESPONDENTS.	)	

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. Complainant, the United States Environmental Protection Agency ("EPA"), and Respondents, Whole Foods Market Group, Inc., a Delaware corporation, Whole Foods Market California, Inc., a California corporation, Mrs. Gooch's Natural Food Markets, Inc., a California corporation, Whole Foods Market Pacific Northwest, Inc., a Delaware corporation, Whole Foods Market Rocky Mountain/Southwest, L.P., a Texas limited partnership, WFM Northern Nevada, Inc., a Delaware corporation, WFM Southern Nevada, Inc., a Delaware corporation, WFM Hawaii, LLC, a Hawaii limited liability company, WFM Kansas, LLC, a Kansas limited liability company,

WFM-WO, Inc., a Delaware corporation, Nature's Heartland, Inc., a Massachusetts corporation, WFM Nebraska, LLC, a Delaware limited liability company, and Whole Foods Market Lusher Court Frisco CO, LLC a Delaware limited liability company (collectively the "Respondents" or "Whole Foods Market"), hereby enter into this Consent Agreement ("Agreement" or "Consent Agreement"), and the attached proposed Final Order (collectively, the "CAFO") before taking testimony and without adjudication of any issues of fact or law herein.

2. Complainant and Respondents, having conferred for the purposes of settlement pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. § 22.18, and expressing a mutual desire to enter into a global agreement covering the Whole Foods Market Stores identified in Appendix A of this CAFO, which is attached hereto and incorporated by reference herein, have agreed to the execution of this CAFO. Appendix A is marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2. Respondents hereby agree to comply with the terms of this CAFO.

3. For the purposes of this CAFO and in accordance with the specific requirements for settlement set forth in 40 C.F.R. § 22.18(b)(2):

a. Respondents admit the jurisdictional allegations set forth in this CAFO;

b. Respondents neither admit nor deny the factual allegations and legal conclusions contained in this CAFO;

c. Respondents consent to the assessment and payment of the civil penalty in the amount and by the method set forth in this CAFO;

d. Respondents consent to the terms and conditions specified in the compliance provisions set forth in this CAFO; and

ED_005188A_00001864-00002

e. Respondents consent to perform the Supplemental Environmental Project set forth in this CAFO.

4. The Respondents waive any right they may have to contest the allegations set forth in this CAFO and any right to appeal the proposed Final Order set forth herein. 40 C.F.R. § 22.18(b)(2). Respondents do not waive any claims or defenses Respondents have to the interpretation of this CAFO or its terms.

II. THE PARTIES

5. Gregory Sullivan, Director, Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized, by lawful delegation, to initiate and settle civil administrative actions brought pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (collectively, "RCRA"), 42 U.S.C. § 6928(a).

6. Respondents own and operate the Whole Foods Market Stores identified in Appendix A of this CAFO.

III. JURISDICTION

7. The parties agree to the commencement and conclusion of this matter through the issuance of this CAFO, which is authorized pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and the Consolidated Rules, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

8. RCRA Subtitle C (42 U.S.C. § 6921 *et seq.*) and its implementing regulations, set forth in 40 C.F.R. Parts 260-279, comprise EPA's RCRA hazardous waste program. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), allows the Administrator to authorize a state to administer its own hazardous waste program in lieu of the federal program when the Administrator finds that

the state program meets certain conditions.[1] A violation of a state provision authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, constitutes a violation of a requirement of Subtitle C, and is subject to the assessment of civil penalties and issuance of compliance orders by EPA as provided by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

9. Pursuant to RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), notice of the commencement of this action has been given to all Affected States and Territories.

IV. DEFINITIONS

10. Unless otherwise expressly provided herein, terms used in the CAFO that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or in regulations promulgated under RCRA, 40 C.F.R. Parts 260-279, or in a state's authorized hazardous waste program, shall have the same meaning in this CAFO as such term has under RCRA or under federal or applicable authorized state regulations. In the case of a conflict between federal and state definitions, federal definitions shall control. Whenever terms defined below are used in this CAFO, such definitions shall apply:

a. "Affected State and Territory" means a state or territory of the United States in which a Whole Foods Market Store is located as identified in Appendix A of this CAFO. Oklahoma, Texas, Louisiana, New Mexico, and Arkansas are not Affected States for purposes of this CAFO.

b. "Business Day" means any day other than Saturday, Sunday, or a federal or legal holiday.

---

[1] Each of the Affected States and Territories described herein, with the exception of Iowa, have received authorization to administer the base RCRA hazardous waste program (requirements imposed by the Solid Waste Disposal Act prior to the Hazardous and Solid Waste Amendments of 1984) in lieu of the federal government's program. Not all the Affected States and Territories described herein are authorized to administer the Universal Waste regulations at 40 C.F.R. Part 273. Thus, where applicable, citations to the Code of Federal Regulations is a citation to the corresponding regulations contained within the Affected State's or Territory's authorized RCRA hazardous waste program.

c. "Conditionally Exempt Small Quantity Generator" means a facility that generates 100 kg of hazardous waste or less in a calendar month.

d. "Confidential Business Information" or "CBI" shall have the same definition as in 40 C.F.R. §§ 2.201-2.311.

e. "Consent Agreement and Final Order" or "CAFO" shall mean this Consent Agreement and attached Final Order and all Appendices hereto. In the event of conflict between this Consent Agreement and any Appendix, this Consent Agreement shall control.

f. "Consumer Products" shall mean any merchandise sold by Respondents at Whole Foods Market Stores, which if discarded, may have to be managed as RCRA hazardous waste.

g. "Day" means a calendar day unless expressly stated to be a business day. In computing any period of time under this CAFO, where the last day would fall on a Saturday, Sunday, or federal, legal or Affected State or Territory holiday, the period shall run until the close of business of the next business day.

h. "Effective Date" is defined in Section VIII of this CAFO.

i. "EPA" means the United States Environmental Protection Agency.

j. "Global-Level" shall mean any change to this CAFO's Appendices B through E instituted and/or approved by Whole Foods Market's Global Legal Team.

k. "Large Quantity Generator" means a facility that generates 1000 kg or more of hazardous waste in a calendar month.

l. "Notify" and "Submit" and other terms signifying an obligation to transmit or communicate documents and information mean to deliver in person, send via electronic mail, deposit in the U.S. mail or dispatch by express courier so that such transmission

or communication arrives to the designated recipient by close of business on the day required by this CAFO. If that required day is not a Business Day then the delivery, deposit, or dispatch shall be made by the close of business the next Business Day.

m. "Paragraph" shall mean a portion of this CAFO identified by an arabic numeral and, in some cases, an associated lower case letter.

n. "Parties" shall mean Complainant and all Respondents.

o. "RCRA" means the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*

p. "Respondents" mean the entities described in Paragraphs 1 and 6 of this CAFO.

q. "Retail Associate" means a Whole Foods Market Store employee, including store leadership and team members.

r. "Section" shall mean a portion of this CAFO identified by a roman numeral.

s. "Small Quantity Generator" means a facility that generates more than 100 kg and less than 1000 kg of hazardous waste in a calendar month.

t. "Small Quantity Handler of Universal Waste" means a generator of universal waste that does not accumulate 5,000 kilograms or more of universal waste (e.g., batteries, mercury-containing equipment, or fluorescent lamps, calculated collectively) at any time. 40 C.F.R. § 273.9.

u. "Solid Waste" means any discarded material that is not excluded under 40 C.F.R. § 261.4(a) or that is not excluded by variance granted under §§ 260.30 and 260.31.

v. "Stores," "Facilities," or "Whole Foods Market Stores" mean Whole Foods Market retail grocery stores, or any future Whole Foods Market retail grocery store (including

"365 by Whole Foods Market" stores), located in the United States (including Puerto Rico and other U.S. territories).

w. "United States" means the United States of America, and all of its departments, agencies, and instrumentalities.

x. "Universal Waste" means certain hazardous wastes that are subject to the universal waste requirements of 40 C.F.R. Part 273, including fluorescent lamps. 40 C.F.R. §§ 273.1 and 273.9.

V. EPA ALLEGATIONS AND DETERMINATIONS

11. Each Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. § 260.10.

12. Respondents own and operate the Stores identified in Appendix A of this CAFO. The stores identified in Appendix A are "facilities" within the meaning of 40 C.F.R. § 260.10.

13. Respondents sell Consumer Products, some of which may become "solid waste" when they are returned, expired, spill or are in a condition such that they cannot be used for their intended purpose.

14. Some of the Consumer Products that become solid waste may be considered hazardous waste under federal or state law by having the characteristic of ignitability (D001), corrosivity (D002), or toxicity (D007, D010, D009, and D011).

15. Most, if not all, Whole Foods Market Stores generate 100 kilograms ("kg") of hazardous waste or less in any given month, and therefore, are considered Conditionally Exempt Small Quantity Generators ("CESQGs") pursuant to 40 C.F.R. § 261.5. As CESQGs, the Stores are exempt from regulation under the hazardous waste generator requirements at 40 C.F.R. Part

262 and the notification requirements of RCRA Section 3010 in any given month, provided that the requirements in 40 C.F.R. § 261.5 are met.

16. Between August 2014 and August 2015, EPA Region 6 conducted an investigation of Whole Food Company, Inc. and Respondent Whole Foods Market Rocky Mountain/Southwest, L.P.'s Stores located in Texas, Oklahoma, New Mexico, Louisiana and Arkansas (the "Investigation"). From the Investigation, EPA Region 6 concluded that a sufficient hazardous waste determination was not consistently made on all solid waste streams as required by 40 C.F.R. § 262.11(c), and one or more of the universal waste requirements set forth in 40 C.F.R. §§ 273.13 through 273.16 were not consistently complied with.

17. As a result of the Investigation, EPA Region 6, Whole Food Company, Inc. and Respondent Whole Foods Market Rocky Mountain/Southwest, L.P. entered into consent agreements and final orders for the Stores located within EPA Region 6's jurisdiction (the "Region 6 CAFOs").

18. Following the Investigation and Region 6 CAFOs, Respondents voluntarily contacted EPA and the Parties engaged in discussions that led to them agreeing to enter into a similar settlement agreement for Stores located in the Affected States and Territories, other than those covered by the Region 6 CAFOs. As part of the settlement discussions, Respondents informed EPA that there were no spills, leaks or releases at or from Respondents' Facilities, nor has EPA identified any such spills, leaks or releases.

19. The Parties' discussions have resulted in the agreement contained herein, which includes implementation of an enhanced hazardous waste management system in all of Respondents' Stores. This enhanced hazardous waste management system is designed to ensure the proper management of hazardous wastes at all Whole Foods Market Stores, and in many

respects goes beyond the minimum requirements necessary for compliance with the applicable federal and state hazardous waste laws and regulations. This program is more fully described in Paragraphs 27 through 29 of this CAFO and Appendices B through E.

20. Respondents have already taken steps toward implementing their enhanced hazardous waste management program, prior to the Effective Date of this CAFO.

Hazardous Waste Determinations

21. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste is required to determine if that waste is hazardous.

22. Based upon the terms of the Region 6 CAFOs, and without a nationwide investigation, or any admission of liability or guilt by Respondents, EPA has concluded that Respondents did not make sufficient hazardous waste determinations at all Whole Foods Market Stores as required by 40 C.F.R. § 262.11.

Universal Waste Management

23. Pursuant to 40 C.F.R. § 273.10, a small quantity handler of universal waste must comply with the applicable requirements at 40 C.F.R. §§ 273.10 through 273.20.

24. Based upon the terms of the Region 6 CAFOs, and without a nationwide investigation, or any admission of liability or guilt by Respondents, EPA has concluded that Respondents did not sufficiently comply with some of the standards set forth in 40 C.F.R. §§ 273.13 through 273.16 at all Whole Foods Market Stores.

VI. TERMS OF SETTLEMENT

25. Based on the foregoing, the Parties agree to the entry of this Consent Agreement on the terms set forth herein.

A. **Compliance Provisions**

26. Although a majority of Whole Foods Market Stores may qualify as CESQGs in any given month, pursuant to 40 C.F.R. § 261.5, the enhanced hazardous waste management program implemented by Respondents at Whole Foods Market Stores, as referenced in Paragraphs 27 through 29 and Appendices B through E of this CAFO, generally seeks to satisfy the hazardous waste generator requirements applicable to Small Quantity Generators ("SQGs") and, therefore, goes above and beyond the minimum requirements applicable under the law.

27. As a condition of settlement, Respondents agree to implement the following measures as part of their enhanced hazardous waste management program:

a. If applicable, Respondents shall obtain an EPA identification number for a Whole Foods Market Store pursuant to 40 C.F.R. § 262.12.

b. Respondents must make a hazardous waste determination on all solid waste generated in its Stores pursuant to 40 C.F.R. § 262.11. As a means of complying with this requirement, Respondents have implemented, and will continue to implement Regional and/or State-specific hazardous waste determination guidance charts. These Regional and/or State-specific hazardous waste determination guidance charts are described and set forth in Appendix B of this CAFO. These charts are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

c. To the extent Consumer Products become hazardous waste, Respondents have implemented, and will continue to implement a system to properly accumulate and store hazardous waste on-site, including, but not limited to, inspections and management of containers. This system, commonly referred to as the "bucket" or

"tote" system, accumulates and stores hazardous waste until it is picked up by a licensed hazardous waste hauler for proper off-site transport and disposal. Under this system, Respondents maintain records, such as manifests, to demonstrate proper off-site transport and disposal at their Stores. The "bucket" or "tote" system and the associated quick-reference materials for Retail Associates are further described and set forth in Appendix C of this CAFO. This system is marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

d. Respondents have implemented, and will continue to implement hazardous waste management trainings at its Stores for all Retail Associates. The hazardous waste management training materials for Retail Associates are further described in Appendix D of this CAFO. The training materials are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

28. Respondents shall continue their efforts to implement an electronic hazardous waste identification system as follows:

a. Respondents will consult a third-party to review the Consumer Products at its Stores, and determine whether those Consumer Products, if discarded, would become hazardous waste pursuant to federal and state law and regulations.

b. After the potentially hazardous items are identified, Whole Foods Market shall implement the electronic hazardous waste identification system to the maximum extent that Whole Foods Market determines it is operationally and technologically feasible. The third-party consultant or other qualified personnel will load the information into Respondents' electronic hazardous waste identification system for use at Whole Foods Market Stores in identifying and classifying all solid waste

streams, which may include the use of hand-held scanners, in-store computer terminal, or other computer-based system(s).

29. In order to assist its Stores in implementing Respondents' enhanced hazardous waste management program described in Paragraph 27 of this CAFO, Respondents will develop and implement standard operating procedures ("SOPs") for use by Retail Associates at their Stores. These SOPs will be available and accessible to Retail Associates. These procedures are further described in Appendix E of this CAFO. The SOPs are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

30. No later than March 31, 2018, and annually thereafter until termination of this CAFO, Respondents must submit an annual report to EPA for the preceding calendar year that shall include: implementation progress of its electronic hazardous waste identification system described in Paragraph 28, including a description of the technology used for the system, and any other Global-Level revisions to Appendices B through E of this CAFO. These annual reports will be marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

31. Respondents' third party audit procedures are further described in Appendix F of this CAFO. The Third Party Audit procedures are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

32. In all instances in which this CAFO requires written submission to EPA, each submission must be signed by a responsible corporate officer of Whole Foods Market and include the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all documents submitted herewith; and that, to the best of my knowledge and belief, the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

B. **Civil Penalty**

33. Respondents agree to pay a civil penalty in the sum of $500,000.00 within thirty (30) days of the Effective Date of this CAFO.

34. Respondents must pay the assessed civil penalty by either cashier's check, certified check, or wire transfer, made payable to: **Treasurer, United States of America**. Payment must be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check should be remitted to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
Phone No. (314) 425-1818

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA Routing Number: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read: "D 68010727 Environmental Protection Agency"

The case name and document number (In the Matter of Whole Foods Market Group, Inc., et. al., Docket No. RCRA-HQ-2017-0001) must be clearly documented on or within Respondents' chosen method of payment to ensure proper credit.

35. Respondents shall submit a copy of the payment to the following addresses:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1200 Pennsylvania Avenue, N.W. (MC 1103M)
Washington, D.C. 20460-0001

Laura Welles, Attorney-Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC 2249A)
Washington, D.C. 20460

36. Penalties paid pursuant to this CAFO are not deductible for federal purposes under 26 U.S.C. § 162(f).

37. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the Effective Date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. In accordance with 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondents must pay the following amounts on any amount overdue:

a. Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is

not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

b. Monthly Handling Charge. Respondents must pay a late payment handling charge of fifteen ($15.00) on any late payment, with an additional charge of $15.00 for each subsequent thirty (30) day period over which an unpaid balance remains.

c. Non-payment Penalty. On any portion of a civil penalty more than ninety (90) days past due, Respondents must pay a non-payment penalty charge of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. 40 C.F.R. § 13.11(c). This non-payment penalty charge is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

C. **Supplemental Environmental Project**

38. Respondents shall implement the Supplemental Environmental Project in Appendix G of this CAFO.

D. **Delay in Performance/Stipulated Penalties**

39. Upon written notice of an alleged violation of the requirements set forth in Section VI.C. (Supplemental Environmental Project) of this CAFO or of the applicable federal hazardous waste regulations set forth in 40 Code of Federal Regulations Parts 260-279, Respondents shall have nine (9) days to cure the alleged violation. In the event Respondents fail to cure the alleged violation within the nine (9) day time period, Respondents shall be liable for stipulated penalties to the EPA, as specified below.

Period of Failure to Comply	Penalty Per Violation Per Day
10th through 20th day	$100.00
21st through 30th day	$250.00
Greater than 30 days	$500.00

40. Payment of stipulated penalties will not alter in any way Whole Foods Market's obligation to comply with the requirements of this CAFO.

VII. DISPUTE RESOLUTION

41. The dispute resolution procedures set forth in this Section shall be the exclusive mechanism to resolve any disputes arising under or with respect to this CAFO.

42. The Parties agree to meet and confer informally and in good faith to resolve all disputes arising from this CAFO. If Respondents disagree, in whole or in part, with any decision by EPA regarding this CAFO, Respondents agree to notify EPA, through the Chief of the Waste Enforcement Branch, and the Parties agree to use best efforts to informally and in good faith resolve their dispute. If EPA disagrees, in whole or in part, with any action or inaction taken by a Respondent under this CAFO, EPA agrees to notify Respondent, and the Parties agree to use their best efforts to informally and in good faith resolve their dispute within thirty (30) days. If the Parties are unable to resolve their dispute informally, and the Parties agree they have reached an impasse, they shall submit the dispute to a neutral third party mediator selected and agreed upon by the Parties and the Parties shall participate in non-binding mediation consistent with 40 C.F.R. 22.18(d).

VIII. OTHER MATTERS

43. Nothing in this CAFO shall relieve Respondents of the duty to comply with all applicable provisions of RCRA and any other federal, state, or local laws and regulations.

44. Notwithstanding any other provision of this CAFO, nothing in this CAFO shall be construed to limit the authority of the EPA to take any action against Respondents to address conditions that may present an imminent and substantial endangerment to human health or the environment. Complainant reserves the right to take enforcement action against Respondents for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CAFO.

45. EPA and Respondents agree that Respondents' have no obligations under this Consent Agreement should it be rejected by the Environmental Appeals Board (the "EAB"); provided, however, that in the event that the EAB expresses any objections to, or its intent to reject this Consent Agreement, the Parties agree that they shall exercise their mutual best efforts to address and resolve the EAB's objections. The Parties shall have the right to withdraw from this CAFO in the event they are unable to reach agreement on the EAB's proposed changes or objections.

46. This CAFO may be amended or modified only by written agreement executed by both the EPA and each Respondent.

47. The terms of this CAFO bind the Parties and their successors and assigns.

48. The undersigned representative of each party to this CAFO certifies that each is duly authorized by the party whom he or she represents to enter into these terms and conditions and to legally bind that party to it.

49. Unless otherwise specified herein, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it must be directed to the individuals specified below at the addresses given, unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Waste Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC 2249A)
Washington, D.C. 20460

Respondents:

Whole Foods Market Central Office
Attn: John H. Hempfling II
550 Bowie Street
Austin, TX 78703

With copy to:

King Williams LLP
Attn: Jennifer Hartman King
520 Capitol Mall, Ste 750
Sacramento, CA 95814

50. At such time as the Respondents believe they have completed all of the requirements of this CAFO, Respondents shall so certify in writing and in accordance with the certification language set forth in Paragraph 32. Within sixty (60) days of EPA's receipt of Respondents' certification, EPA shall notify Respondents in writing whether EPA agrees that Respondents have completed all requirements, or if EPA does not agree it shall identify the basis for its position. If EPA does not agree with Whole Foods Market's certification, Whole Foods

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Market shall address the matters identified in EPA's objection, and may thereafter recertify completion of the CAFO. Upon notification by EPA that it agrees with Respondents' certification, or if EPA does not respond within sixty (60) days, Respondents' liability for federal civil penalties only is resolved for the violations alleged in Section V (EPA Allegations and Determinations) of this CAFO. This CAFO does not affect the right of EPA or the United States from taking action as provided by 40 C.F.R. 22.18(c).

51. The headings in this CAFO are for convenience of reference only and shall not affect the interpretation of this CAFO.

52. The Parties to this CAFO shall bear their own costs and attorneys' fees in this matter.

53. This CAFO and the attached proposed Final Order shall become effective upon execution of the Final Order by EAB and filing with the Clerk of the EAB ("Effective Date"). 40 C.F.R. §§ 22.18(b)(2) and 22.31(b).

[SIGNATURES BEGIN ON NEXT PAGE]

AGREED AND CONSENTED TO:

FOR COMPLAINANT:

Date: 1/19/17

for

Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 1/19/17

Laura Welles, Attorney-Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

[SIGNATURES CONTINUE ON NEXT PAGE]

FOR RESPONDENT WHOLE FOODS MARKET GROUP, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET CALIFORNIA, INC.:

Date: 1/18/17

FOR RESPONDENT MRS. GOOCH'S FOOD MARKETS, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET PACIFIC NORTHWEST, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET ROCKY MOUNTAIN/SOUTHWEST, L.P.:

Date: 1/18/17

FOR RESPONDENT WFM NORTHERN NEVADA, INC.:

Date: 1/18/17

FOR RESPONDENT WFM SOUTHERN NEVADA, INC.:

Date: 1/18/17

[SIGNATURES CONTINUE ON NEXT PAGE]

FOR RESPONDENT WFM HAWAII, LLC:

Date: 1/18/17

FOR RESPONDENT WFM KANSAS, LLC:

Date: 1/18/17

FOR RESPONDENT WFM-WO, INC.:

Date: 1/18/17

FOR RESPONDENT NATURE'S HEARTLAND, INC.:

Date: 1/18/17

FOR RESPONDENT WFM NEBRASKA, LLC:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET LUSHER COURT FRISCO CO, LLC:

Date: 1/18/17

ED_005188A_00001864-00022

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:58:26 PM
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Aycock, Jim [Aycock.Jim@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Iowa.pdf

Dear Ms. Davidson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Amie Davidson
Section Supervisor
Iowa Department of Natural Resources
502 E. 9th Street, 4th Floor
Des Moines, Iowa 50319-0034

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Davidson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/31/2017 8:18:17 PM
To: 'John Hempfling (CE CEN)' [John.Hempfling@wholefoods.com]
Subject: FW: Whole Foods CAFO -- follow up to today's conference call
Attachments: SEPs and Mitigation - 2017.docx; US_Steel_Opinion_and_Order_by_Judge_Simon_granting_US_motion_to_enter_CD.pdf

John - I sent this a few minutes ago and copied you. It came back because it was too large, etc. Since it bounced back, I'm resending minus the US Steel CD. Take care, Laura

---

From: Welles, Laura
Sent: Friday, March 31, 2017 4:10 PM
To: Wenisch, Michelle
Cc: Fogarty, Johnpc ; Jennifer Hartman King ; John Hempfling (CE CEN)
Subject: Whole Foods CAFO -- follow up to today's conference call

Dear Michelle:

Per our discussion this afternoon, attached please find a list of civil judicial cases entered this year with SEPs or mitigation, as well as a list of administrative cases with SEPs approved in 2017. Also attached is the U.S. v. U.S. Steel consent decree, along with the opinion and order approving the motion to enter the consent decree. As John Fogarty explained during our call, the U.S. Steel settlement includes a SEP that is similar to the SEP in the EPA/Whole Foods Market consent agreement (see Appendix A, page 75 of the consent decree).

Hopefully the attached documents address/resolve the issues we've been discussing and so there may not be a need for Tuesday's conference call.

Please let me or John know if you have any questions.

I hope you have a good weekend.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 12/22/2016 3:29:18 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Also - we'll need a Scout entry for WF

I am out of the office for the holidays, returning the first week of January. If you need to reach someone immediately, please call the main office at 202-564-2220.

Thank you.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/14/2017 7:34:41 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Afternoon of 3/24 works for me.

From: Fogarty, Johnpc
Sent: Tuesday, March 14, 2017 3:29 PM
To: Jennifer Hartman King ; John Hempfling (CE CEN) ; Wenisch, Michelle ; Welles, Laura
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

In an attempt for this to possibly happen before April, does the afternoon (eastern time) on Friday March 24th work for folks? I'll be horribly jet-lagged then but would prefer that over letting this slip a couple of additional weeks.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, March 14, 2017 2:41 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can be available any time on April 6th.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 - Main phone
916-379-7533 - Direct dial
916-379-7535 - Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 11:26 AM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can do April 6 at any time ***except*** 11-noon am EDT and 1-2:30 EDT.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 1:21 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hi all, I am not available on the 31st. How about Tuesday April 4 or Thursday April 6 -- any availability on either of those days? Thank you, Michelle

---

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Tuesday, March 14, 2017 2:13 PM
To: Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura; Jennifer Hartman King
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I've got either depo prep or depos most of the week of March 27, but I'm wide open right now on Mar. 31 (Friday of that week).

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 1:01 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Michelle, I am out of the office next week and Susan Shinkman would like for me to be present, so this would need to shift to the week of the 27th. Thanks!

From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods Consent Agreement: Follow-up Call

Dear Mr. Fogerty, Ms. Welles, Mr. Hempfling, and Ms. Hartman King:

Following on yesterday's call and the information provided by OECA, we would like to set up a further call with the parties to discuss possible options for proceeding forward in this matter.

Please let me know your availability for a call next Tuesday or Thursday March 21 or 23. We also request that either Susan Shinkman or Rosemarie Kelley be on the call for OECA.
Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/14/2017 8:35:00 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: FW: Whole Foods Consent Agreement: Follow-up Call

I'm not sure how this got so complicated - 3/31 works and I can make the other dates work too. Let's just get the meeting scheduled.

From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 3:49 PM
To: Jennifer Hartman King ; John Hempfling (CE CEN) ; Fogarty, Johnpc ; Welles, Laura
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hello everyone, March 24 is not a possibility due to prior fixed obligations, but if March 31 works for everyone else, then I will rearrange my schedule to make that work. Alternatively, April 3, 4, or 5 are also possibilities. I can be available any time on any of those four days. Thank you, Michelle

From: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Sent: Tuesday, March 14, 2017 3:35 PM
To: John Hempfling (CE CEN); Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

March 24th works for me.

Jennifer Hartman King, Managing Partner

KING WILLIAMS LLP
ATTORNEYS AT LAW

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 - Main phone
916-379-7533 - Direct dial
916-379-7535 - Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 12:31 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>;

Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I'll be on and off planes on March 24, but if Jenn is available she can handle the call and just fill me in later.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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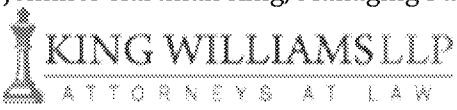
From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 2:29 PM
To: Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

In an attempt for this to possibly happen before April, does the afternoon (eastern time) on Friday March 24th work for folks? I'll be horribly jet-lagged then but would prefer that over letting this slip a couple of additional weeks.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, March 14, 2017 2:41 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can be available any time on April 6th.

Jennifer Hartman King, Managing Partner



520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 - Main phone
916-379-7533 - Direct dial
916-379-7535 - Fax
Email: JHartmanKing@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for King Williams LLP News and Alerts

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From: John Hempfling (CE CEN) [mailto:John.Hempfling@wholefoods.com]
Sent: Tuesday, March 14, 2017 11:26 AM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I can do April 6 at any time ***except*** 11-noon am EDT and 1-2:30 EDT.

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
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From: Wenisch, Michelle [mailto:Wenisch.Michelle@epa.gov]
Sent: Tuesday, March 14, 2017 1:21 PM
To: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Re: Whole Foods Consent Agreement: Follow-up Call

Hi all, I am not available on the 31st. How about Tuesday April 4 or Thursday April 6 -- any availability on either of those days? Thank you, Michelle

---

From: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Sent: Tuesday, March 14, 2017 2:13 PM
To: Fogarty, Johnpc; Wenisch, Michelle; Welles, Laura; Jennifer Hartman King
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

I've got either depo prep or depos most of the week of March 27, but I'm wide open right now on Mar. 31 (Friday of that week).

John H. Hempfling II
Sr. Global Litigation Counsel
Whole Foods Market Central Office
550 Bowie Street
Austin, Texas 78703
(512) 542-0213 (Office)
(512) 482-7213 (Fax)

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, March 14, 2017 1:01 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: RE: Whole Foods Consent Agreement: Follow-up Call

Michelle, I am out of the office next week and Susan Shinkman would like for me to be present, so this would need to shift to the week of the 27th. Thanks!

From: Wenisch, Michelle
Sent: Tuesday, March 14, 2017 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>
Subject: Whole Foods Consent Agreement: Follow-up Call

Dear Mr. Fogerty, Ms. Welles, Mr. Hempfling, and Ms. Hartman King:

Following on yesterday's call and the information provided by OECA, we would like to set up a further call with the parties to discuss possible options for proceeding forward in this matter.

Please let me know your availability for a call next Tuesday or Thursday March 21 or 23. We also request that either Susan Shinkman or Rosemarie Kelley be on the call for OECA.
Thank you,

Michelle A. Wenisch
Senior Counsel
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460
(202) 233-0122

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Delivery Report

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 1/23/2017 4:39:29 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: sarah.kilgriff@state.mn.us
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:41:05 PM

was read on 1/23/2017 4:39:22 PM

Your message

To: Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:41:05 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, January 23, 2017 11:39:22 AM (UTC-05:00) Eastern Time (US & Canada).

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/30/2017 9:31:18 PM
To: Jennifer Hartman King [jhartmanking@kingwilliamslaw.com]
Subject: EPA/WFM -- phone message

Hi Jennifer,

I got your message, but I'm having problems reaching you by phone. The main number for your office says your office is closed. When I call your direct number, the call for some reason will not go through.

I'm at my desk now and will be leaving in the next 15 minutes (5:45 east coast time). I'll be back in the office tomorrow starting at 8:00 east coast time.

Talk to you soon.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Aminah Famili [AFamili@kingwilliamslaw.com]
Sent: 1/20/2017 10:45:00 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]; Anna Brown [ABrown@kingwilliamslaw.com]
Subject: RE: EPA/Whole Foods -- copy of state notice and courier address

Perfect. Please let me know the best number to reach you at and I will give you a call shortly.

Thank you,

Aminah

Aminah Famili, Attorney

KING WILLIAMS LLP
ATTORNEYS AT LAW
520 Capitol Mall, Suite 750
Sacramento, CA 95814

916-379-7530 – Main phone
916-379-7529 – Direct dial
916-379-7535 – Fax
Email:AFamili@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for KW News and Alerts

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, January 20, 2017 2:40 PM
To: Aminah Famili <AFamili@kingwilliamslaw.com>
Cc: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
Subject: RE: EPA/Whole Foods -- copy of state notice and courier address

Hi Aminah,

I'm available for a call now if that works for you or Jennifer.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement

U.S. Environmental Protection Agency
(202) 564-2754

From: Aminah Famili [mailto:AFamili@kingwilliamslaw.com]
Sent: Friday, January 20, 2017 1:24 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
Subject: FW: EPA/Whole Foods -- copy of state notice and courier address

Hi, Laura.

Jennifer asked me to reach out to you before we mail out the executed CAFOs. Do you have time for a brief call to discuss the package of materials we have prepared for mailing?

Thank you!

Aminah

Aminah Famili, Attorney
KING WILLIAMS LLP
ATTORNEYS AT LAW
520 Capitol Mall, Suite 750
Sacramento, CA 95814

916-379-7530 – Main phone
916-379-7529 – Direct dial
916-379-7535 – Fax
Email:AFamili@KingWilliamsLaw.com

Website: www.KingWilliamsLaw.com
Click Here for KW News and Alerts

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From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Friday, January 20, 2017 10:02 AM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>
Subject: RE: EPA/Whole Foods -- copy of state notice and courier address

I should also clarify that the package should be sent attention to me – 4109A is my office number.

Also – I don't think it hurts to put OECA/OCE/WCED under "US EPA Headquarters."

Thanks,
Laura

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Thursday, January 19, 2017 2:28 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: EPA/Whole Foods -- copy of state notice and courier address

Thank you, Laura.

Sent from my iPhone

On Jan 19, 2017, at 11:24 AM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Jennifer,
>
> Attached is a copy of the state notice that is going to states regarding this matter.
>
> The courier address for the package to be sent with original CA, appendices, etc. is
>
> > USEPA Headquarters
> > William Jefferson Clinton Building (South)
> > 1200 Pennsylvania Avenue, N.W.
> > Room Number 4109A
> > Washington, DC 20004
>
> Please let me know if you have any questions.
>
> Thanks,
> Laura
>
> Laura Welles
> Attorney Advisor
> Waste and Chemical Enforcement Division
> Office of Civil Enforcement
> U.S. Environmental Protection Agency
> (202) 564-2754
>
> <State Notice_Whole Foods Market_CT.pdf>

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received this communication in error, please advise the sender via reply email and delete the email you received.

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 4/7/2017 2:15:59 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods final order -- posted on EAB website

I will be out of the office Friday April 7, 2017. I will respond to your email when I return on Monday, April 10, 2017.

Thank you.

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 3/24/2017 4:57:02 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods CAFO Conference Call, March 31, 2017

I am out of the office, returning Monday March 27th. I will not have access to email while I am out. If you need to reach someone immediately, please call the main office at 202-564-2220.

Thank you.

Message

From: Senn, John [Senn.John@epa.gov]
Sent: 4/6/2017 9:16:37 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods release

I am out of the office until Monday, April 10 and will have limited access to email until I return. Please contact Brian Ng at ng.brian@epa.gov if you need immediate assitance.

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 1/19/2017 4:28:23 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

I am in depositions from 1/17-19/17 with limited access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Sent: 4/6/2017 9:03:16 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Thank you so much!

From: Welles, Laura
Sent: Thursday, April 06, 2017 5:02 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>
Subject: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)

Michelle,

Per your request, attached is an electronic copy of the proposed final order that was filed in the above matter. I did notice a typo – there appears to be an "and" between Whole Foods Market Pacific Northwest, Inc. and Whole Foods Market Rocky Mountain/Southwest, L.P."

Please let me know if you have any questions or problems with the attachment.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Stedeford, Todd [Stedeford.Todd@epa.gov]
Sent: 1/19/2017 1:05:32 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Okay thanks

From: Welles, Laura
Sent: Thursday, January 19, 2017 8:03 AM
To: Stedeford, Todd <Stedeford.Todd@epa.gov>
Subject: FW: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

FYI – I'll get the package ready within the next hour (or two) and then give to you.

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 10:00 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Fwd: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison

Looks like we are good to go (I hope)!

Sent from my iPhone

Begin forwarded message:

> **From:** "Jennifer Hartman King" <JHartmanKing@kingwilliamslaw.com>
> **To:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Welles, Laura" <Welles.Laura@epa.gov>
> **Cc:** "John Hempfling (CE CEN)" <John.Hempfling@wholefoods.com>, "Aminah Famili" <AFamili@kingwilliamslaw.com>, "Anna Brown" <ABrown@kingwilliamslaw.com>
> **Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] WFM Executed CAFO & Doc Comparison**
>
> Dear Laura and John,
>
> Attached, please find the CAFO with WFM's signature. As Laura and I discussed today, I understand this will allow you to seek signatures on your end tomorrow. I expect to receive WFM's "wet" signature copy on Friday morning. If all goes according to plan, I will package it with all of the exhibits (the redacted and the non-redacted versions), and mail everything to Laura for delivery on Monday morning. She will then hand-deliver the filing to EAB and serve all parties.
>
> Laura, as promised, I have attached a document comparison showing the minor nits that we addressed in the CAFO today. All the other documents are unchanged substantively, but we have beefed up the CBI language in an abundance of caution to address 40 CFR 22.5(d). We will send you a Dropbox link shortly will all of the final documents.
>
> If you need anything further from me, please do not hesitate to reach out. The best number to

reach me tomorrow will be on my cell phone (916.616.4378).

Thanks so much,
Jennifer

Jennifer Hartman King, Managing Partner
[King-Williams-1-and-a-half-inch-logo]

520 Capitol Mall, Suite 750
Sacramento, CA 95814
916-379-7530 – Main phone
916-379-7533 – Direct dial
916-379-7535 – Fax
Email:
JHartmanKing@KingWilliamsLaw.com<mailto:JHartmanKing@KingWilliamsLaw.com>

Website: www.KingWilliamsLaw.com<http://www.kingwilliamslaw.com/>
Click Here for King Williams LLP News and Alerts<http://www.kingwilliamslaw.com/news-alerts/>

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<image001.gif>

<USEPA CAFO (WFM Executed) (00014446xD64DF).pdf>

<USEPA CAFO (Doc Compare bt 1-17-17 Final Draft and 1-18-17 Final) (00014447xD64DF).docx>

Message

From: Stedeford, Todd [Stedeford.Todd@epa.gov]
Sent: 1/19/2017 1:03:13 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods CAFO

Yes, I am physically here.

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:17 PM
To: Stedeford, Todd <Stedeford.Todd@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: Whole Foods CAFO

Todd – You will be physically present tomorrow?

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:16 PM
To: Stedeford, Todd <Stedeford.Todd@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Whole Foods CAFO

Todd:

We are still waiting for WF signature page on the CAFO. They are on pacific time so it may come in later this evening.
I can sign today as a placeholder in case we are provided signature this evening and then both signatures will be on the same day.
However if we do not get it until tomorrow, could you please sign as Acting DD?

Laura and John will both be available for any questions.

Thank you
Diana

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.

Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 4/6/2017 7:25:56 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods CAFO

I will be out of the office on Thursday, April 6, 2017. If you need immediate assistance, please call 202-564-2220. Thank you, Susan

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 1/18/2017 11:10:46 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]
CC: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Are you in tomorrow?

I am planning to be in the office tomorrow.

Rosemarie

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: Are you in tomorrow?

Rosemarie:

We have the impending Whole Foods CAFO and will likely be giving you the package (EAB memo and CAFO) for review tomorrow. We expect that WF may sign today or tomorrow. Lara Welles will be here for part of the day to tend to the remaining items for the CAFO and package. Todd will be the acting WCED DD tomorrow.
Are you in the office tomorrow or tele-working?

Thanks
Diana

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 1/18/2017 10:43:31 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: Whole Foods -- quick question re: delegation

I am out of the office, returning January 23rd. If you need to reach someone immediately, please call the main office at 202-564-2220.

Thank you.

Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 1/18/2017 6:02:49 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

I am in depositions from 1/17-19/17 with limited access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 2/6/2017 9:47:42 PM
To: Jonesi, Gary [Jonesi.Gary@epa.gov]
Subject: RE: administrative question
Attachments: EAB Transmittal Memo.pdf; In the Matter of Whole Foods Market Group, Inc., et al._Executed Consent Agreement.pdf; Proposed Final Order with certificate of service.pdf; certificate of service_initial filing.pdf; Supplemental Filing cover and certificate of service.pdf

Gary – see attached. I did not include the appendices – all, but appendix G were designated as CBI. Let me know if you have any questions. Thank you. Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Jonesi, Gary
Sent: Monday, February 06, 2017 4:22 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: administrative question

Laura, m not on a CWD schedule, but am working at home today to avoid infecting folks with this cold I picked up on Saturday. You can call my cell number below, or my work number because that rings over to my cell.

--Gary

Be kind to the environment.
Please do not print this email unless necessary.

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.Wra, . (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)

703-304-6392 (cell)
jonesi.gary@epa.gov

From: Welles, Laura
Sent: Monday, February 06, 2017 4:20 PM
To: Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: administrative question

Gary – I'm not sure if today is your CDO – if not, what's the best way to reach you re: an administrative question?
Thanks, Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

CERTIFICATE OF SERVICE

I hereby certify that the Environmental Appeals Board Transmittal Memorandum, original executed Consent Agreement with non-CBI Appendices and Appendix G, one copy of Consent Agreement with non-CBI Appendices and Appendix G, and a proposed Final Order with certificate of service in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001, were submitted to the Board in paper form via hand-delivery to the following persons on 1/23/17:

Eurika Durr
Clerk of the Board
U.S. EPA
Environmental Appeals Board
1201 Constitution Ave., N.W.
U.S. EPA East Building, Room 3334
Washington, D.C. 20004

I hereby certify that copies of the Environmental Appeals Board Transmittal Memorandum, executed Consent Agreement with non-CBI Appendices and Appendix G, as well as the proposed Final Order with certificate of service in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001, will be sent to the following persons by certified mail, return receipt requested on 1/24/17:

John H. Hempfling II, Esq.
Whole Foods Market Central Office
550 Bowie Street
Austin, TX 78703

and

Jennifer Hartman King, Esq.
King Williams LLP
520 Capitol Mall, Ste 750
Sacramento, CA 95814

Dated: 1/23/17

Laura Welles, Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement / U.S. EPA
1200 Pennsylvania Ave., N.W.
Mail Code 2249A
Washington, D.C. 20460

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Consent Agreement and Proposed Final Order for In the Matter of Whole Foods Market Group, Inc., et al., RCRA-HQ-2017-0001

FROM: Susan Shinkman, Director Rosemarie Kelley for
Office of Civil Enforcement

TO: Environmental Appeals Board

Attached for your review and approval is a Consent Agreement and proposed Final Order ("CAFO") to commence and conclude an action against Whole Foods Market Group, Inc., et al. (collectively "Respondents" or "Whole Foods Market"). Whole Foods Market asserts that Appendices A through F of the CAFO contain Confidential Business Information ("CBI"). The U.S. Environmental Protection Agency ("Complainant" or "EPA") and Respondents jointly request that the Environmental Appeals Board ("EAB") manage Appendices A through F in accordance with the CBI regulations at 40 C.F.R. Part 2 and only publish or otherwise release the redacted version of the CAFO. Two versions of the CAFO are attached as required by 40 C.F.R. § 22.5(d), a CBI version and a redacted version.

This memorandum is provided in accordance with the EAB Consent Agreement and Final Order Procedures.[1] I have reviewed the CAFO and determined that it is consistent with the Resource Conservation and Recovery Act ("RCRA") and with applicable EPA policies. EPA has provided notice to all relevant states regarding this CAFO, as required by RCRA § 3008(a)(2), 42 U.S.C. 6928(a)(2). This action is settled pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) before the filing of a complaint using the CAFO to simultaneously initiate and conclude the matter.

EPA's enforcement action against Whole Foods Market arises from the improper management of hazardous waste, specifically failure to properly make hazardous waste determinations, as well as the improper handling of universal waste (spent fluorescent lamps). Complainant evaluated this matter under the *RCRA Civil Penalty Policy* (June 2003) (hereinafter "Penalty Policy")[2] and has determined that $2,000,000 is an appropriate penalty under the Penalty Policy for the violations disclosed by Whole Foods Market. In addition, the proposed settlement includes a Supplemental Environmental Project ("SEP") that is focused on protection of children's health through removal and replacement of PCB-containing fluorescent lamp fixtures in schools and community centers in low-income neighborhoods. This SEP is consistent with the *2015 Update to the 1998 U.S. Environmental Protection Agency*

[1] Environmental Appeals Board, Consent Agreement and Final Order ("CAFO") Procedures (revised: January 14, 2014).
[2] The *RCRA Civil Penalty Policy* (June 2003), available at: https://www.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf.

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Supplemental Environmental Projects Policy (March 2015) (hereinafter "SEP Policy").[3] Whole Foods Market will pay a civil penalty of $500,000 and expend $2,750,000 on the SEP. Whole Foods Market has also agreed to extensive injunctive relief, as well as retaining an independent third party auditor to conduct a hazardous waste compliance audit of select Whole Foods Market stores.

A. Statement of the Facts

Altogether, Respondents[4] own and operate hundreds of retail grocery stores throughout the United States. They sell consumer products,[5] some of which may become "solid waste" when they are returned, expire, spill or are in a condition such that they cannot be used for their intended purpose. Some of the consumer products that become solid waste may be considered hazardous waste under RCRA by having the characteristic of ignitability, corrosivity, or toxicity.

On June 11, 2014, the New Mexico Environment Department ("NMED") conducted a RCRA inspection of a Whole Foods Market Store in Santa Fe, New Mexico. On August 26, 2014, the NMED referred its findings to EPA Region 6 ("Region 6") for further investigation and enforcement. Between August 2014 and August 2015, Region 6 conducted an investigation of Whole Foods Market. From the investigation, Region 6 concluded that Whole Foods Market failed to make a sufficient hazardous waste determination of its solid waste streams as required by 40 C.F.R. § 262.11(c) and that one or more of the universal waste requirements set forth in 40 C.F.R. §§ 273.13 through 273.16 were not consistently complied with. As a result of Region 6's investigation, Whole Foods Market entered into consent agreements and final orders for the stores located within Region 6's jurisdiction.[6]

Following Region 6's investigation and administrative settlements, on its own initiative Whole Foods Market approached EPA Headquarters to discuss the possibility of entering into a nationwide settlement agreement for their stores located in States and Territories other than those covered by the Region 6 administrative settlements. Whole Foods Market and EPA agreed that the settlement would provide for enhanced injunctive relief to guide the company's compliance with RCRA, including enforceable obligations for Whole Foods Market to continue to develop and implement an electronic, state-of-the-art hazardous waste management program. The parties also agreed that Whole Foods Market would pay an appropriate civil penalty for the RCRA violations and retain an independent third party auditor to conduct a hazardous waste compliance audit of select Whole Foods Market stores.

For purposes of settlement, the parties agreed to resolve the following two RCRA violations:

- Failure to make a hazardous waste determination as required by 40 C.F.R. § 262.11 and

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[3] EPA, Issuance of the 2015 Update to the 1998 U.S. Environmental Protection Agency Supplemental Environmental Projects Policy (March 10, 2015), available at: https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf.

[4] Nationally, Whole Foods Market is comprised of a number of wholly-owned subsidiaries of Whole Foods Market, Inc., each of which operates in defined regions of the country. In their day-to-day decision making and operations, each regional subsidiary operates independently of the others; thus, because this is a "global" settlement to cover all of Whole Foods Market stores, each of the regional subsidiaries are named in the complaint and covered by the settlement (except as noted in Footnote 6, *infra*).

[5] For purposes of this settlement, consumer products are defined in the attached Consent Agreement as "any merchandise sold by Respondents at Whole Foods Market stores, which if discarded, may have to be managed as RCRA hazardous waste." *See* Paragraph 10(f) of the attached Consent Agreement.

[6] Respondent Whole Foods Market Rocky Mountain/Southwest, L.P. owns and operates Whole Foods Market stores in Texas, Oklahoma, Arkansas, and New Mexico. Whole Foods Market entered into separate consent agreements and final orders for the stores within each state—Texas, Oklahoma, Arkansas, and New Mexico. Whole Food Company, Inc.—not a party to the enclosed Consent Agreement and proposed Final Order because it only owns and operates Whole Foods Market stores in Louisiana—entered into a consent agreement and final order for the stores within Louisiana. *See* USEPA Docket Nos. RCRA-06-2016-0904 through 0908 for the Region 6 CAFOs.

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- Failure to comply with some of the universal waste standards set forth in 40 C.F.R. §§ 273.13 through 273.16.

The parties agreed that these two violations occurred at 373 stores—these stores are identified in Appendix A of the attached Consent Agreement.[7] Most, if not all, Whole Foods Market stores generate 100 kilograms of hazardous waste or less in any given month, and therefore, are considered Conditionally Exempt Small Quantity Generators ("CESQGs") pursuant to 40 C.F.R. § 261.5. Rather than engage in extensive and costly fact-finding, the parties agreed to stipulate that the two violations occurred at least once at the 373 stores. Thus, Complainant alleges in the attached Consent Agreement that Whole Foods Market violated the above-stated two RCRA violations at 373 stores, for a total of 746 violations.

B. How the Settlement Addresses Each Violation

Respondents have committed to a program of broad and significant operational changes in the attached Consent Agreement to help ensure proper waste management and RCRA compliance at its retail grocery stores. As stated above, most, if not all, Whole Foods Market stores are CESQGs. Under the Consent Agreement, Whole Foods Market has agreed to additional changes to its operations and to report annually to EPA on the implementation of its enhanced hazardous waste management program. Whole Foods Market generally seeks to satisfy the hazardous waste generator requirements applicable to Small Quantity Generators and, therefore, goes above and beyond the minimum requirements applicable under the law. Whole Foods Market has already started to implement its enhanced hazardous waste management program. The compliance provisions under Section VI (Terms of Settlement) of the attached Consent Agreement include the following key provisions:

- Whole Foods Market has already taken steps to implement, and will continue to implement, an advanced system to properly accumulate and store hazardous waste on-site, including inspections and management of containers.
- Whole Foods Market has begun to implement, and will continue to implement, comprehensive hazardous waste management training at its stores for employees.
- Whole Foods Market will put in place a wide-range of operational changes to ensure compliance with RCRA, including employing advanced technology for hazardous waste identification.
- Whole Foods Market will develop and implement Standard Operating Procedures to further assist its stores in implementing the enhanced hazardous waste program.
- Whole Foods Market will retain an independent third party auditor to conduct a hazardous waste compliance audit of select stores.

C. How the Proposed CAFO is Consistent with the Penalty Guidelines

RCRA § 3008(a)(3), 42 U.S.C. § 6928(a)(3), directs EPA to consider the seriousness of the violation and any good faith efforts to comply with applicable requirements when calculating a penalty. Consistent with this statutory direction, the Penalty Policy provides guidance on calculating penalties by: (1) determining the gravity-based penalty for a particular violation from a penalty assessment matrix; (2) adding a multi-day component, as appropriate, to account for a violation's duration; (3)

[7] Appendix A contains 399 stores—this list includes 373 stores that were open at the time of the alleged RCRA violations (on or about June 14, 2014), as well as twenty-six (26) stores that opened in 2016. The twenty-six (26) stores that opened in 2016 were not included in the penalty calculation because Whole Foods Market had already implemented most of its enhanced hazardous waste management program.

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adjusting the sum of the gravity-based and multi-day components, up or down, for case specific circumstances; and (4) adding to this amount the appropriate economic benefit gained through non-compliance.

1. Gravity-Based Penalty Calculation

The gravity-based penalty amount is based on an examination of two factors—the potential for harm as a result of the violation ("Potential for Harm") and the extent of deviation from the statutory or regulatory requirement posed by the violation ("Extent of Deviation").[8]

Whether the Potential for Harm is considered "Major," "Moderate" or "Minor" involves an examination of two elements: "the risk of human or environmental exposure to hazardous waste and/or hazardous constituents that may be posed by noncompliance and the adverse effect noncompliance may have on statutory or regulatory purposes or procedures for implementing the RCRA program."[9] Whether the Extent of Deviation of the violation is considered "Major," "Moderate" or "Minor" involves an examination of the degree to which the violation at issue renders the requirement inoperative.[10] Pursuant to the Penalty Policy, Complainant evaluated whether the violation involved substantial non-compliance with the RCRA requirement, or substantial compliance, or whether the scope of the non-compliance fell somewhere in-between.[11]

As part of the gravity-based penalty calculation, Complainant referred to the Penalty Policy's nine-cell penalty matrix—each cell contains a monetary range for the appropriate proposed penalty.[12] Over the years, this matrix has been updated for inflation.[13] The violations at issue in this matter occurred on or about June 11, 2014 (see the "Statement of the Facts" section of this memorandum) so Complainant used the Penalty Policy's penalty matrix with a maximum penalty of $37,500 per day for each violation.[14] The Penalty Policy states that "[t]he selection of the exact penalty amount within each cell is left to the discretion of the enforcement personnel in any given case."[15]

As set forth above, Complainant concluded that Whole Foods Market committed no less than two violations at 373 stores for a total of 746 RCRA violations. Due to the facts of this case—and consistent with the Penalty Policy—Complainant decided not to assess multi-day penalties in this matter.[16]

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[8] *See RCRA Civil Penalty Policy* at 12-19 (discussing potential for harm and extent of deviation).
[9] *Id.* at 12.
[10] *Id.* at 16.
[11] *Id.* at 16-17.
[12] *Id.* at 18.
[13] RCRA § 3008(a)(3) assigns a maximum penalty of $25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to periodically adjust penalties to account for inflation. *See* Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Public Law 101-410, enacted October 5, 1990, 104 Stat. 890); Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note; Public Law 104-134, enacted April 26, 1996; 110 Stat. 1321).
[14] EPA's Civil Monetary Penalty Inflation Adjustment Rule establishes $27,500 as the maximum civil penalty under RCRA § 3008 per violation, for violations occurring between January 30, 1997 and March 15, 2004; $32,500 for violations occurring between March 16, 2004 and January 12, 2009; $37,500 for violations occurring between January 13, 2009 and November 2, 2015. *See* 40 C.F.R. Part 19; 61 Fed. Reg. 69,360 (Dec. 31, 1996); 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 78 Fed. Reg. 66643 (Nov. 6, 2013).
[15] *Id.* at 19.
[16] See *RCRA Civil Penalty Policy* at 22-27 (discussing multi-day violations and penalties).

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a. Failure to properly make hazardous waste determinations as required by 40 C.F.R. § 262.11

Whole Foods Market failed to make hazardous waste determinations for solid wastes generated at its stores. The proper and timely determination of solid and hazardous wastes generated and/or stored on-site is essential to a generator's waste management program. The purpose of the waste determination regulation is to identify those wastes that should be subject to appropriate management requirements under Subtitle C of RCRA because of the hazards they may pose in handling, transit, treatment, storage, and/or disposal. In this matter, Complainant determined that there was a moderate Potential for Harm based on the following: (1) there was relatively low risk of harmful exposure to workers and the public handling hazardous consumer products that were not properly identified as hazardous waste and (2) the overall impact posed by the alleged violation to the continued integrity of the RCRA program was not significant. Complainant determined that the Extent of Deviation from the regulatory requirement was moderate because Whole Foods Market systematically failed to make hazardous waste determinations.

The applicable Penalty Policy gravity-based penalty matrix cell range for moderate/moderate is from $7,090 to $11,330.[17] In this matter, Complainant analyzed and relied on case-specific factors in selecting an amount at the low end of the cell matrix, specifically $7,090. The additional factors considered included the seriousness of the violation relative to other violations falling within the same matrix and the type of waste streams handled by the Respondents.

Based on these determinations, the total gravity-based penalty was calculated as 373 violations x $7,090 = $2,644,570.

b. Failure to comply with some of the Universal Waste standards set forth in 40 C.F.R. §§ 273.13 through 273.16 (spent fluorescent lamps).

Whole Foods Market improperly handled universal waste, specifically spent fluorescent lamps. As described above in the "Statement of the Facts" section of this memorandum, NMED inspected a Whole Foods Market Store in New Mexico. The inspection revealed spent fluorescent lamps located in containers that were not closed and properly labeled. Complainant determined that this violation presented a moderate Potential for Harm. Open containers and loose lamps lead to an increased possibility of breakage of a lamp. Breakage of a lamp could release mercury into the environment, presenting a risk to humans, including employees working at a store, as well as environmental receptors. Complainant determined that the Extent of Deviation from the regulatory requirements was moderate because—if the NMED inspection is an indicator of other Whole Foods Market stores—Whole Foods Market had stored most of the spent fluorescent lamps in boxes.

The applicable Penalty Policy gravity-based penalty matrix cell range for moderate/moderate is from $7,090 to $11,330. In this matter, Complainant analyzed and relied on case-specific factors in selecting an amount at the low end of the cell matrix, specifically $7,090. The additional factors considered included the seriousness of the violation relative to other violations falling within the same matrix. Respondents complied with some of the universal waste standards and there was no evidence of breakage or improper disposal. Based on these determinations, the total gravity based penalty was calculated as 373 violations x $7,090 = $2,644,570.

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[17] *See* EPA, Revision to Adjusted Penalty Policy Matrices Package Issued on November 16, 2009 (Apr. 6, 2010), available at: https://www.epa.gov/sites/production/files/documents/revisionpenaltypolicy04910.pdf.

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Based on the above considerations and calculations, the total gravity-based penalty prior to adjustments was **$5,289,140**.

2. Gravity-Based Adjustments

a. Good Faith Efforts to Comply

RCRA § 3008(a)(3), 42 U.S.C. §6928(a)(3), requires EPA to consider good faith efforts to comply when calculating a penalty. Under the Penalty Policy, EPA may reduce the gravity-based penalty up to 25% based on "ordinary circumstances" or "from 26% to 40% . . ., in unusual circumstances."[18] The Penalty Policy goes on to state that a "violator can manifest good faith by promptly identifying any noncompliance or instituting measures to remedy the violation before the Agency detects the violation."[19] Although Region 6 had recent administrative settlements with Whole Foods Market,[20] Whole Foods Market's management structure is regionally-based, and each of the regional groups (and separate corporate entities) have broad, independent responsibility for day-to-day operations at individual stores. In the case of this settlement, it was Whole Foods Market, as the parent company, who voluntarily approached EPA Headquarters about entering into a nationwide settlement to cover all of its regional subsidiaries operating stores located in all of the other regions and states. Whole Foods Market has already started to implement a substantial program to comply with RCRA, and in many instances goes above and beyond compliance for CESQGs (e.g., employee training on hazardous waste management). Since this matter consists of unusual circumstances, Complainant made a downward adjustment of 27.2% based on this factor.

b. Cooperation

Under the Penalty Policy, EPA may reduce the gravity-based penalty up to 10% based on the respondent's cooperation and preparedness during the settlement process.[21] As noted above, Whole Foods Market voluntarily approached the Agency, without the need for the expenditure of Agency inspection or investigatory resources, and engaged in expedited settlement discussions. Throughout the negotiations, Respondents cooperated with EPA's need for information regarding Whole Foods Market's corporate and management structure, as well as past and present hazardous waste management practices. Whole Foods Market negotiated in good faith and provided all information requested without the need for formal information requests. Complainant believes that this level of cooperation warrants the maximum downward adjustment of 10%.

c. Litigation Risk

The Penalty Policy states that "[d]ownward adjustments based on . . . litigative risk will vary in amount depending on the individual facts present in a given case. . ."[22] The Penalty Policy allows EPA to make downward adjustments to the penalty based on a number of litigation related factors, such as the availability of evidence, the strength of the respondent's legal and equitable defenses, and any disproportionate resource outlay involved in litigating a case that it might avoid by entering into a settlement.[23] Whole Foods Market and EPA agreed to seek a negotiated resolution of this matter.

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[18] *RCRA Civil Penalty Policy* at 35.
[19] *Id.*
[20] Whole Foods Market Rocky Mountain/Southwest, L.P. and Whole Food Company, Inc. (*see* Footnote 6, *supra*).
[21] *RCRA Civil Penalty Policy* at 41.
[22] *RCRA Civil Penalty Policy* at 35.
[23] *Id.* at 40.

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Complainant gathered enough information to assess whether Whole Foods Market had failed to comply with the two RCRA requirements, taken actions to develop and implement a compliance program, and to calculate an appropriate penalty. To litigate a case against Whole Foods Market for violations of RCRA, Complainant would have incurred substantial costs, due to the number of stores owned and operated by Whole Foods Market. These activities would have taken considerable time and expense. Based on these considerations, Complainant made a downward adjustment to the gravity-based penalty of 25%.

Based on the above considerations and adjustments, EPA calculated an adjusted gravity-based penalty of **$1,999,296**.

3. Economic Benefit

The Penalty Policy requires EPA to "evaluate the economic benefit of noncompliance when penalties are calculated."[24] Using EPA's BEN model and EPA guidance entitled "Estimating Costs for the Economic Benefits of RCRA Non-compliance" (1997) (hereinafter "EPA RCRA EB Cost Estimates"), Complainant calculated an economic benefit of noncompliance for the delayed costs associated with Whole Foods Market's failure to properly make hazardous waste determinations.[25] The Penalty Policy states that "enforcement personnel should rely on the least expensive costs of compliance (i.e., facility expenditures) in calculating economic benefit penalties."[26] Under RCRA, a generator is required to make a determination as to whether or not their wastes are hazardous—this may be done by testing the waste or "[a]pplying knowledge of the characteristics of the waste, in light of the materials or the processes used."[27] The EPA RCRA EB Cost Estimates states that if the generator chooses to make the waste determination based on knowledge of the waste, the costs for the determination would consist only of a review of background information.[28]

Pursuant to the Penalty Policy, EPA has the discretion to forego the economic benefit if it is less than a certain de minimis amount for all violations alleged in the CAFO.[29] Since Whole Foods Market's management structure is regional, Complainant assumed that each region would likely make one hazardous waste determination of a waste stream and communicate it with all other stores within that particular region. Based on this assumption, EPA determined that Whole Foods Market's economic benefit is less than the de minimis amounts shown in the Penalty Policy.[30] Alternatively, Whole Foods Market's staff may have been able to make such determinations at no additional cost to Respondents beyond salaries already paid. Thus, the economic benefit for Whole Foods Market's failure to properly conduct hazardous waste determinations was not included in this proposed penalty.

4. Total Civil Penalty

Based on EPA's gravity-based calculations and adjustments, and prior to mitigation for the SEP, the civil penalty is $2,000,000 (rounded to the nearest million). As discussed in the following section,

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[24] *Id.* at 28.
[25] EPA, Estimating Costs for the Economic Benefits of RCRA Non-compliance (1997), available at: http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=D2676FA609D5E7C564D536A5866FDD18?doi=10.1.1.470.2131&rep=rep1&type=pdf.
[26] *RCRA Civil Penalty Policy* at 31 (reiterating what is discussed the BEN Users Manual).
[27] 40 C.F.R. § 262.11(c).
[28] EPA, Estimating Costs for the Economic Benefits of RCRA Non-compliance (1997), Chapter 6 – Hazardous Waste Determination, pg. 6-3.
[29] *Id.*
[30] *RCRA Civil Penalty Policy* at 28.

because the Respondent has agreed to perform a $2,750,000 SEP, Complainant has mitigated $1,500,000 of the penalty for a final civil penalty of $500,000.

D. Supplemental Environmental Projects

Under this Consent Agreement, Whole Foods Market will perform a SEP to replace fluorescent lighting ballasts that may contain polychlorinated biphenyls ("PCBs"), along with associated light bulbs in public schools and community centers serving children (e.g., day-care centers) located in low to moderate income areas that are within a fifty (50) mile radius of a Whole Foods Market Store covered by the attached CAFO.[31] Whole Foods Market will also provide training to school and community center personnel, specifically teaching them about the proper identification, handling and disposal of hazardous wastes located and used in the schools and community centers where the SEP is performed. Whole Foods Market will spend a total of $2,750,000 on this SEP. This proposed SEP is consistent with Section IX (Calculation of Final Settlement Penalty) of EPA's SEP Policy,[32] which sets forth the process by which EPA determines the appropriate mitigation percentage and mitigation amount in settlements that include SEPs. This proposed SEP will eliminate the generation of a pollutant, specifically PCBs, and will provide significant and continuing benefits to children, as well as public school/community center employees in communities with environmental justice concerns. As discussed in more detail in this section, this SEP comports with all applicable requirements of the SEP Policy, and is consistent with the SEP Policy's mitigation provisions; therefore, Complainant has reduced the penalty calculated under the Penalty Policy by $1,500,000.

This SEP, which is focused on reducing the exposure of children to sources of PCBs and hazardous wastes, directly supports EPA's mission of protecting children's health from environmental risks, and because it is required to be implemented in low- to middle-income areas, also directly supports the Agency's environmental justice objectives.[33]

1. Legal Guidelines

The SEP meets all of the Legal Guidelines[34] specified in the SEP Policy. Nexus—the relationship between the violation and the project—is established as follows: First, the training to be provided to school and community center personnel in the proper identification, management, handling and disposal of hazardous wastes relates directly to the RCRA violations at issue in this matter. Second, by reducing the potential exposure of children (and others) to PCBs, there is nexus on the basis of the health effects of the wastes involved.[35] Among the returned consumer products which, if they can no longer be re-stocked/re-sold, are required to be managed as hazardous waste are mercury-containing light bulbs. The adverse health effects of exposure to mercury include neurological damage and other cognitive impairments, damage to or loss of vision or other visual injury, and elevated blood pressure, among

[31] *See* Appendix G of the attached CAFO.
[32] EPA, Issuance of the 2015 Update to the 1998 U.S. Environmental Protection Agency Supplemental Environmental Projects Policy (March 10, 2015), available at: https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf.
[33] SEP Policy §§ II.A ("Children's Health") & II.B ("Environmental Justice"); Exec. Order No. 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, 62 Fed. Reg. 19,885 (Apr. 23, 1997); Exec. Order No. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, 59 Fed. Reg. 7,629 (Feb. 16, 1994).
[34] SEP Policy § IV.
[35] *Id.*, at § IV.A.3.b (a project must demonstrate that it is designed to reduce "the adverse impact to public health and/or the environment to which the violation at issue contributes").

other effects.[36] Children are especially vulnerable to the effects of mercury.[37] The health effects of exposure to PCBs are similar to mercury, including damage to neurological, cognitive, and visual functioning, elevated blood pressure, and other damage.[38] Likewise, the damage to children's health from PCB exposure is also greater than for adults.[39]

Work under the SEP will be performed in the same geographical area where the violation occurred (within 50 miles of a Whole Foods Market store covered by the settlement).[40] Whole Foods Market has also conducted a reasonable inquiry to ensure that the SEP does not augment federal appropriations, and Paragraph 11 of the SEP Appendix includes Whole Foods Market's certification to this effect. Finally, EPA does not manage or control the SEP, and while the SEP allows Whole Foods Market to use a contractor to assist it in implementing the SEP, EPA has no role in the identification or selection of the contractor.

2. SEP Category

This SEP has attributes of several SEP categories listed in the SEP Policy. The hazardous waste training component is clearly within the "environmental compliance promotion" category because it "provides training or technical support to other members of the regulated community in order to . . .identify, achieve and maintain compliance with applicable statutory and regulatory requirements ...."[41] The removal of harmful PCBs from schools and community centers (and their proper disposal) qualifies as a "pollution reduction" project because it "results in a decrease in the amount . . . of any hazardous substance, pollutant, or contaminant [from] being released into the environment."[42] While the removal of PCB fixtures has obvious public health benefits, and the replacement of older lighting fixtures with new, energy efficient fixtures has other pollutant benefits by reducing energy demand, to the extent that these attributes of the SEP are not squarely covered by the existing SEP categories, they are covered by the "other types of projects" category.[43]

3. Penalty Mitigation, Minimum Penalty and Other Requirements

The SEP Policy provides, with certain exceptions not applicable in this case, that the "amount of penalty mitigation given for a SEP should be equivalent to a percentage of the estimated cost to implement the SEP and should not exceed eighty percent (80%) of that estimated cost."[44] In this case, Complainant

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[36] *See generally* EPA, "Health Effects of Exposures to Mercury," available at: https://www.epa.gov/mercury/health-effects-exposures-mercury) (hereinafter *EPA, Health Effects of Mercury*); Agency for Toxic Substances and Disease Registry, "Public Health Statement for Mercury" (March 1999), available at: https://www.atsdr.cdc.gov/phs/phs.asp?id=112&tid=24 (hereinafter *ASTDR, Health Effects of Mercury*).

[37] *ASTDR, Health Effects of Mercury, supra* note 36 ("Very young children are more sensitive to mercury than adults.")

[38] *See generally* EPA, "Health Effects of PCBs," available at: https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs#healtheffects; Agency for Toxic Substances and Disease Registry, "What Are Adverse Health Effects of PCB Exposure?" (May 2016), available at https://www.atsdr.cdc.gov/esem/esem.asp?esem=30&po=10.

[39] EPA, "Rules and Regulations That Impact Children's Health," available at: https://www.epa.gov/children/rules-and-regulations-impact-childrens-health ("Exposure to PCBs during . . . childhood is of great concern because the effects of PCBs on sensitive immature tissues, organs, and systems can have serious and long-lasting consequences.")

[40] SEP Policy § IV.A.3, footnote 9 and accompanying text.

[41] *Id.* at § V.F.

[42] *Id.* at § V.C.

[43] *Id.* at § V.H. Such "other SEP types" require the advance approval of the appropriate enforcement director in OECA and consultation with the National SEP Policy Coordinators in OCE. In this case, the SEP was developed in coordination with OCE's SEP Policy coordinators and with the approval of OCE's Associate Office Director, in consultation with the Waste Chemical Enforcement Division.

[44] *Id.* at § IX.C.1.

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mitigated approximately 54.5% of the $2,750,000 cost of the SEP, or $1,500,000, of the penalty, well under the 80% maximum.

The SEP Policy also requires a minimum civil penalty that is either (1) the economic benefit of noncompliance plus ten percent of the gravity component, or (2) twenty-five percent of the gravity component, whichever is greater. As discussed above in the "Economic Benefit" section of this memorandum (Section C.3), economic benefit was not included in the penalty in this matter; therefore, the minimum penalty is required to be twenty-five percent of the gravity component. In this case, the gravity component was calculated under the Penalty Policy to be $1,999,296 and the $500,000 penalty agreed to by Whole Foods Market is slightly greater than the twenty-five percent minimum.

Finally, the CAFO and SEP Appendix include a full description of the SEP, provisions for stipulated penalties for noncompliance with the SEP, the required certifications and disclosure provisions, and a SEP completion report.

E. Human Health and Environmental Concerns Raised by Violations

Although Respondents' RCRA violations presented harm to public health and the environment through potential exposure to hazardous wastes, there is no evidence of any actual harm that was caused by their noncompliance.

F. Disposition of Substances

The hazardous materials at issue in this case have been properly disposed of in accordance with federal and state law.

G. Past or Pending Actions

As described in the "Statement of the Facts" section of this memorandum, Region 6 commenced and concluded five administrative actions against Whole Foods Market, resolving similar RCRA violations in Texas, Oklahoma, New Mexico, Louisiana and Arkansas. The settlements were approved by the Regional Judicial Officer on September 19, 2016. *See* USEPA Docket Nos. RCRA-06-2016-0904 through 0908.

H. The Public Interest is Served by the Agreement

The public interest is served by this agreement because it assesses a penalty for Whole Foods Market's past violations and requires the company to undertake specific actions to help prevent similar violations in the future.

I. Recommendation

Complainant believes that the final settlement penalty of $500,000, SEP expenditure of $2,275,000, as well as the injunctive relief and independent third party audit set forth in the attached Consent Agreement is appropriate to resolve Whole Foods Market's violations.

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For the foregoing reasons, I recommend that the EAB approve the Consent Agreement and sign the proposed Final Order. Please address any questions concerning this memorandum or the attached Consent Agreement to Laura K. Welles at 202-564-2754.

Attachments

cc: Laura K. Welles
Counsel for Complainant

John H. Hempfling II
Counsel for Respondent

Jennifer Hartman King
Counsel for Respondent

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:	)	EPA Docket No. RCRA-HQ-2017-0001
Whole Foods Market Group, Inc., Whole Foods Market California, Inc., Mrs. Gooch's Natural Food Markets, Inc., Whole Foods Market Pacific Northwest, Inc., Whole Foods Market Rocky Mountain/ Southwest, L.P., WFM Northern Nevada, Inc., WFM Southern Nevada, Inc., WFM Hawaii, LLC, WFM Kansas, LLC, WFM-WO, Inc., Nature's Heartland, Inc., WFM Nebraska, LLC, and Whole Foods Market Lusher Court Frisco CO, LLC	)	Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)
RESPONDENTS.	)	

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. Complainant, the United States Environmental Protection Agency ("EPA"), and Respondents, Whole Foods Market Group, Inc., a Delaware corporation, Whole Foods Market California, Inc., a California corporation, Mrs. Gooch's Natural Food Markets, Inc., a California corporation, Whole Foods Market Pacific Northwest, Inc., a Delaware corporation, Whole Foods Market Rocky Mountain/Southwest, L.P., a Texas limited partnership, WFM Northern Nevada, Inc., a Delaware corporation, WFM Southern Nevada, Inc., a Delaware corporation, WFM Hawaii, LLC, a Hawaii limited liability company, WFM Kansas, LLC, a Kansas limited liability company,

WFM-WO, Inc., a Delaware corporation, Nature's Heartland, Inc., a Massachusetts corporation, WFM Nebraska, LLC, a Delaware limited liability company, and Whole Foods Market Lusher Court Frisco CO, LLC a Delaware limited liability company (collectively the "Respondents" or "Whole Foods Market"), hereby enter into this Consent Agreement ("Agreement" or "Consent Agreement"), and the attached proposed Final Order (collectively, the "CAFO") before taking testimony and without adjudication of any issues of fact or law herein.

2. Complainant and Respondents, having conferred for the purposes of settlement pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. § 22.18, and expressing a mutual desire to enter into a global agreement covering the Whole Foods Market Stores identified in Appendix A of this CAFO, which is attached hereto and incorporated by reference herein, have agreed to the execution of this CAFO. Appendix A is marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2. Respondents hereby agree to comply with the terms of this CAFO.

3. For the purposes of this CAFO and in accordance with the specific requirements for settlement set forth in 40 C.F.R. § 22.18(b)(2):

a. Respondents admit the jurisdictional allegations set forth in this CAFO;

b. Respondents neither admit nor deny the factual allegations and legal conclusions contained in this CAFO;

c. Respondents consent to the assessment and payment of the civil penalty in the amount and by the method set forth in this CAFO;

d. Respondents consent to the terms and conditions specified in the compliance provisions set forth in this CAFO; and

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e. Respondents consent to perform the Supplemental Environmental Project set forth in this CAFO.

4. The Respondents waive any right they may have to contest the allegations set forth in this CAFO and any right to appeal the proposed Final Order set forth herein. 40 C.F.R. § 22.18(b)(2). Respondents do not waive any claims or defenses Respondents have to the interpretation of this CAFO or its terms.

II. THE PARTIES

5. Gregory Sullivan, Director, Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized, by lawful delegation, to initiate and settle civil administrative actions brought pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (collectively, "RCRA"), 42 U.S.C. § 6928(a).

6. Respondents own and operate the Whole Foods Market Stores identified in Appendix A of this CAFO.

III. JURISDICTION

7. The parties agree to the commencement and conclusion of this matter through the issuance of this CAFO, which is authorized pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and the Consolidated Rules, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

8. RCRA Subtitle C (42 U.S.C. § 6921 *et seq.*) and its implementing regulations, set forth in 40 C.F.R. Parts 260-279, comprise EPA's RCRA hazardous waste program. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), allows the Administrator to authorize a state to administer its own hazardous waste program in lieu of the federal program when the Administrator finds that

the state program meets certain conditions.[1] A violation of a state provision authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, constitutes a violation of a requirement of Subtitle C, and is subject to the assessment of civil penalties and issuance of compliance orders by EPA as provided by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

9. Pursuant to RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), notice of the commencement of this action has been given to all Affected States and Territories.

IV. DEFINITIONS

10. Unless otherwise expressly provided herein, terms used in the CAFO that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or in regulations promulgated under RCRA, 40 C.F.R. Parts 260-279, or in a state's authorized hazardous waste program, shall have the same meaning in this CAFO as such term has under RCRA or under federal or applicable authorized state regulations. In the case of a conflict between federal and state definitions, federal definitions shall control. Whenever terms defined below are used in this CAFO, such definitions shall apply:

a. "Affected State and Territory" means a state or territory of the United States in which a Whole Foods Market Store is located as identified in Appendix A of this CAFO. Oklahoma, Texas, Louisiana, New Mexico, and Arkansas are not Affected States for purposes of this CAFO.

b. "Business Day" means any day other than Saturday, Sunday, or a federal or legal holiday.

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[1] Each of the Affected States and Territories described herein, with the exception of Iowa, have received authorization to administer the base RCRA hazardous waste program (requirements imposed by the Solid Waste Disposal Act prior to the Hazardous and Solid Waste Amendments of 1984) in lieu of the federal government's program. Not all the Affected States and Territories described herein are authorized to administer the Universal Waste regulations at 40 C.F.R. Part 273. Thus, where applicable, citations to the Code of Federal Regulations is a citation to the corresponding regulations contained within the Affected State's or Territory's authorized RCRA hazardous waste program.

c. "Conditionally Exempt Small Quantity Generator" means a facility that generates 100 kg of hazardous waste or less in a calendar month.

d. "Confidential Business Information" or "CBI" shall have the same definition as in 40 C.F.R. §§ 2.201-2.311.

e. "Consent Agreement and Final Order" or "CAFO" shall mean this Consent Agreement and attached Final Order and all Appendices hereto. In the event of conflict between this Consent Agreement and any Appendix, this Consent Agreement shall control.

f. "Consumer Products" shall mean any merchandise sold by Respondents at Whole Foods Market Stores, which if discarded, may have to be managed as RCRA hazardous waste.

g. "Day" means a calendar day unless expressly stated to be a business day. In computing any period of time under this CAFO, where the last day would fall on a Saturday, Sunday, or federal, legal or Affected State or Territory holiday, the period shall run until the close of business of the next business day.

h. "Effective Date" is defined in Section VIII of this CAFO.

i. "EPA" means the United States Environmental Protection Agency.

j. "Global-Level" shall mean any change to this CAFO's Appendices B through E instituted and/or approved by Whole Foods Market's Global Legal Team.

k. "Large Quantity Generator" means a facility that generates 1000 kg or more of hazardous waste in a calendar month.

l. "Notify" and "Submit" and other terms signifying an obligation to transmit or communicate documents and information mean to deliver in person, send via electronic mail, deposit in the U.S. mail or dispatch by express courier so that such transmission

or communication arrives to the designated recipient by close of business on the day required by this CAFO. If that required day is not a Business Day then the delivery, deposit, or dispatch shall be made by the close of business the next Business Day.

m. "Paragraph" shall mean a portion of this CAFO identified by an arabic numeral and, in some cases, an associated lower case letter.

n. "Parties" shall mean Complainant and all Respondents.

o. "RCRA" means the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*

p. "Respondents" mean the entities described in Paragraphs 1 and 6 of this CAFO.

q. "Retail Associate" means a Whole Foods Market Store employee, including store leadership and team members.

r. "Section" shall mean a portion of this CAFO identified by a roman numeral.

s. "Small Quantity Generator" means a facility that generates more than 100 kg and less than 1000 kg of hazardous waste in a calendar month.

t. "Small Quantity Handler of Universal Waste" means a generator of universal waste that does not accumulate 5,000 kilograms or more of universal waste (e.g., batteries, mercury-containing equipment, or fluorescent lamps, calculated collectively) at any time. 40 C.F.R. § 273.9.

u. "Solid Waste" means any discarded material that is not excluded under 40 C.F.R. § 261.4(a) or that is not excluded by variance granted under §§ 260.30 and 260.31.

v. "Stores," "Facilities," or "Whole Foods Market Stores" mean Whole Foods Market retail grocery stores, or any future Whole Foods Market retail grocery store (including

"365 by Whole Foods Market" stores), located in the United States (including Puerto Rico and other U.S. territories).

w. "United States" means the United States of America, and all of its departments, agencies, and instrumentalities.

x. "Universal Waste" means certain hazardous wastes that are subject to the universal waste requirements of 40 C.F.R. Part 273, including fluorescent lamps. 40 C.F.R. §§ 273.1 and 273.9.

V. EPA ALLEGATIONS AND DETERMINATIONS

11. Each Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. § 260.10.

12. Respondents own and operate the Stores identified in Appendix A of this CAFO. The stores identified in Appendix A are "facilities" within the meaning of 40 C.F.R. § 260.10.

13. Respondents sell Consumer Products, some of which may become "solid waste" when they are returned, expired, spill or are in a condition such that they cannot be used for their intended purpose.

14. Some of the Consumer Products that become solid waste may be considered hazardous waste under federal or state law by having the characteristic of ignitability (D001), corrosivity (D002), or toxicity (D007, D010, D009, and D011).

15. Most, if not all, Whole Foods Market Stores generate 100 kilograms ("kg") of hazardous waste or less in any given month, and therefore, are considered Conditionally Exempt Small Quantity Generators ("CESQGs") pursuant to 40 C.F.R. § 261.5. As CESQGs, the Stores are exempt from regulation under the hazardous waste generator requirements at 40 C.F.R. Part

262 and the notification requirements of RCRA Section 3010 in any given month, provided that the requirements in 40 C.F.R. § 261.5 are met.

16. Between August 2014 and August 2015, EPA Region 6 conducted an investigation of Whole Food Company, Inc. and Respondent Whole Foods Market Rocky Mountain/Southwest, L.P.'s Stores located in Texas, Oklahoma, New Mexico, Louisiana and Arkansas (the "Investigation"). From the Investigation, EPA Region 6 concluded that a sufficient hazardous waste determination was not consistently made on all solid waste streams as required by 40 C.F.R. § 262.11(c), and one or more of the universal waste requirements set forth in 40 C.F.R. §§ 273.13 through 273.16 were not consistently complied with.

17. As a result of the Investigation, EPA Region 6, Whole Food Company, Inc. and Respondent Whole Foods Market Rocky Mountain/Southwest, L.P. entered into consent agreements and final orders for the Stores located within EPA Region 6's jurisdiction (the "Region 6 CAFOs").

18. Following the Investigation and Region 6 CAFOs, Respondents voluntarily contacted EPA and the Parties engaged in discussions that led to them agreeing to enter into a similar settlement agreement for Stores located in the Affected States and Territories, other than those covered by the Region 6 CAFOs. As part of the settlement discussions, Respondents informed EPA that there were no spills, leaks or releases at or from Respondents' Facilities, nor has EPA identified any such spills, leaks or releases.

19. The Parties' discussions have resulted in the agreement contained herein, which includes implementation of an enhanced hazardous waste management system in all of Respondents' Stores. This enhanced hazardous waste management system is designed to ensure the proper management of hazardous wastes at all Whole Foods Market Stores, and in many

respects goes beyond the minimum requirements necessary for compliance with the applicable federal and state hazardous waste laws and regulations. This program is more fully described in Paragraphs 27 through 29 of this CAFO and Appendices B through E.

20. Respondents have already taken steps toward implementing their enhanced hazardous waste management program, prior to the Effective Date of this CAFO.

Hazardous Waste Determinations

21. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste is required to determine if that waste is hazardous.

22. Based upon the terms of the Region 6 CAFOs, and without a nationwide investigation, or any admission of liability or guilt by Respondents, EPA has concluded that Respondents did not make sufficient hazardous waste determinations at all Whole Foods Market Stores as required by 40 C.F.R. § 262.11.

Universal Waste Management

23. Pursuant to 40 C.F.R. § 273.10, a small quantity handler of universal waste must comply with the applicable requirements at 40 C.F.R. §§ 273.10 through 273.20.

24. Based upon the terms of the Region 6 CAFOs, and without a nationwide investigation, or any admission of liability or guilt by Respondents, EPA has concluded that Respondents did not sufficiently comply with some of the standards set forth in 40 C.F.R. §§ 273.13 through 273.16 at all Whole Foods Market Stores.

VI. TERMS OF SETTLEMENT

25. Based on the foregoing, the Parties agree to the entry of this Consent Agreement on the terms set forth herein.

A. **Compliance Provisions**

26. Although a majority of Whole Foods Market Stores may qualify as CESQGs in any given month, pursuant to 40 C.F.R. § 261.5, the enhanced hazardous waste management program implemented by Respondents at Whole Foods Market Stores, as referenced in Paragraphs 27 through 29 and Appendices B through E of this CAFO, generally seeks to satisfy the hazardous waste generator requirements applicable to Small Quantity Generators ("SQGs") and, therefore, goes above and beyond the minimum requirements applicable under the law.

27. As a condition of settlement, Respondents agree to implement the following measures as part of their enhanced hazardous waste management program:

a. If applicable, Respondents shall obtain an EPA identification number for a Whole Foods Market Store pursuant to 40 C.F.R. § 262.12.

b. Respondents must make a hazardous waste determination on all solid waste generated in its Stores pursuant to 40 C.F.R. § 262.11. As a means of complying with this requirement, Respondents have implemented, and will continue to implement Regional and/or State-specific hazardous waste determination guidance charts. These Regional and/or State-specific hazardous waste determination guidance charts are described and set forth in Appendix B of this CAFO. These charts are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

c. To the extent Consumer Products become hazardous waste, Respondents have implemented, and will continue to implement a system to properly accumulate and store hazardous waste on-site, including, but not limited to, inspections and management of containers. This system, commonly referred to as the "bucket" or

"tote" system, accumulates and stores hazardous waste until it is picked up by a licensed hazardous waste hauler for proper off-site transport and disposal. Under this system, Respondents maintain records, such as manifests, to demonstrate proper off-site transport and disposal at their Stores. The "bucket" or "tote" system and the associated quick-reference materials for Retail Associates are further described and set forth in Appendix C of this CAFO. This system is marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

d. Respondents have implemented, and will continue to implement hazardous waste management trainings at its Stores for all Retail Associates. The hazardous waste management training materials for Retail Associates are further described in Appendix D of this CAFO. The training materials are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

28. Respondents shall continue their efforts to implement an electronic hazardous waste identification system as follows:

a. Respondents will consult a third-party to review the Consumer Products at its Stores, and determine whether those Consumer Products, if discarded, would become hazardous waste pursuant to federal and state law and regulations.

b. After the potentially hazardous items are identified, Whole Foods Market shall implement the electronic hazardous waste identification system to the maximum extent that Whole Foods Market determines it is operationally and technologically feasible. The third-party consultant or other qualified personnel will load the information into Respondents' electronic hazardous waste identification system for use at Whole Foods Market Stores in identifying and classifying all solid waste

streams, which may include the use of hand-held scanners, in-store computer terminal, or other computer-based system(s).

29. In order to assist its Stores in implementing Respondents' enhanced hazardous waste management program described in Paragraph 27 of this CAFO, Respondents will develop and implement standard operating procedures ("SOPs") for use by Retail Associates at their Stores. These SOPs will be available and accessible to Retail Associates. These procedures are further described in Appendix E of this CAFO. The SOPs are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

30. No later than March 31, 2018, and annually thereafter until termination of this CAFO, Respondents must submit an annual report to EPA for the preceding calendar year that shall include: implementation progress of its electronic hazardous waste identification system described in Paragraph 28, including a description of the technology used for the system, and any other Global-Level revisions to Appendices B through E of this CAFO. These annual reports will be marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

31. Respondents' third party audit procedures are further described in Appendix F of this CAFO. The Third Party Audit procedures are marked as and considered Confidential Business Information pursuant to 40 C.F.R. Part 2.

32. In all instances in which this CAFO requires written submission to EPA, each submission must be signed by a responsible corporate officer of Whole Foods Market and include the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all documents submitted herewith; and that, to the best of my knowledge and belief, the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

B. **Civil Penalty**

33. Respondents agree to pay a civil penalty in the sum of $500,000.00 within thirty (30) days of the Effective Date of this CAFO.

34. Respondents must pay the assessed civil penalty by either cashier's check, certified check, or wire transfer, made payable to: **Treasurer, United States of America**. Payment must be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check should be remitted to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
Phone No. (314) 425-1818

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA Routing Number: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read: "D 68010727 Environmental Protection Agency"

The case name and document number (In the Matter of Whole Foods Market Group, Inc., et. al., Docket No. RCRA-HQ-2017-0001) must be clearly documented on or within Respondents' chosen method of payment to ensure proper credit.

35. Respondents shall submit a copy of the payment to the following addresses:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1200 Pennsylvania Avenue, N.W. (MC 1103M)
Washington, D.C. 20460-0001

Laura Welles, Attorney-Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC 2249A)
Washington, D.C. 20460

36. Penalties paid pursuant to this CAFO are not deductible for federal purposes under 26 U.S.C. § 162(f).

37. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the Effective Date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. In accordance with 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, Respondents must pay the following amounts on any amount overdue:

a. Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is

not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

b. Monthly Handling Charge. Respondents must pay a late payment handling charge of fifteen ($15.00) on any late payment, with an additional charge of $15.00 for each subsequent thirty (30) day period over which an unpaid balance remains.

c. Non-payment Penalty. On any portion of a civil penalty more than ninety (90) days past due, Respondents must pay a non-payment penalty charge of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. 40 C.F.R. § 13.11(c). This non-payment penalty charge is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

C. **Supplemental Environmental Project**

38. Respondents shall implement the Supplemental Environmental Project in Appendix G of this CAFO.

D. **Delay in Performance/Stipulated Penalties**

39. Upon written notice of an alleged violation of the requirements set forth in Section VI.C. (Supplemental Environmental Project) of this CAFO or of the applicable federal hazardous waste regulations set forth in 40 Code of Federal Regulations Parts 260-279, Respondents shall have nine (9) days to cure the alleged violation. In the event Respondents fail to cure the alleged violation within the nine (9) day time period, Respondents shall be liable for stipulated penalties to the EPA, as specified below.

Period of Failure to Comply	Penalty Per Violation Per Day
10th through 20th day	$100.00
21st through 30th day	$250.00
Greater than 30 days	$500.00

40. Payment of stipulated penalties will not alter in any way Whole Foods Market's obligation to comply with the requirements of this CAFO.

VII. DISPUTE RESOLUTION

41. The dispute resolution procedures set forth in this Section shall be the exclusive mechanism to resolve any disputes arising under or with respect to this CAFO.

42. The Parties agree to meet and confer informally and in good faith to resolve all disputes arising from this CAFO. If Respondents disagree, in whole or in part, with any decision by EPA regarding this CAFO, Respondents agree to notify EPA, through the Chief of the Waste Enforcement Branch, and the Parties agree to use best efforts to informally and in good faith resolve their dispute. If EPA disagrees, in whole or in part, with any action or inaction taken by a Respondent under this CAFO, EPA agrees to notify Respondent, and the Parties agree to use their best efforts to informally and in good faith resolve their dispute within thirty (30) days. If the Parties are unable to resolve their dispute informally, and the Parties agree they have reached an impasse, they shall submit the dispute to a neutral third party mediator selected and agreed upon by the Parties and the Parties shall participate in non-binding mediation consistent with 40 C.F.R. 22.18(d).

VIII. OTHER MATTERS

43. Nothing in this CAFO shall relieve Respondents of the duty to comply with all applicable provisions of RCRA and any other federal, state, or local laws and regulations.

44. Notwithstanding any other provision of this CAFO, nothing in this CAFO shall be construed to limit the authority of the EPA to take any action against Respondents to address conditions that may present an imminent and substantial endangerment to human health or the environment. Complainant reserves the right to take enforcement action against Respondents for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CAFO.

45. EPA and Respondents agree that Respondents' have no obligations under this Consent Agreement should it be rejected by the Environmental Appeals Board (the "EAB"); provided, however, that in the event that the EAB expresses any objections to, or its intent to reject this Consent Agreement, the Parties agree that they shall exercise their mutual best efforts to address and resolve the EAB's objections. The Parties shall have the right to withdraw from this CAFO in the event they are unable to reach agreement on the EAB's proposed changes or objections.

46. This CAFO may be amended or modified only by written agreement executed by both the EPA and each Respondent.

47. The terms of this CAFO bind the Parties and their successors and assigns.

48. The undersigned representative of each party to this CAFO certifies that each is duly authorized by the party whom he or she represents to enter into these terms and conditions and to legally bind that party to it.

49. Unless otherwise specified herein, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it must be directed to the individuals specified below at the addresses given, unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Waste Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC 2249A)
Washington, D.C. 20460

Respondents:

Whole Foods Market Central Office
Attn: John H. Hempfling II
550 Bowie Street
Austin, TX 78703

With copy to:

King Williams LLP
Attn: Jennifer Hartman King
520 Capitol Mall, Ste 750
Sacramento, CA 95814

50. At such time as the Respondents believe they have completed all of the requirements of this CAFO, Respondents shall so certify in writing and in accordance with the certification language set forth in Paragraph 32. Within sixty (60) days of EPA's receipt of Respondents' certification, EPA shall notify Respondents in writing whether EPA agrees that Respondents have completed all requirements, or if EPA does not agree it shall identify the basis for its position. If EPA does not agree with Whole Foods Market's certification, Whole Foods

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Market shall address the matters identified in EPA's objection, and may thereafter recertify completion of the CAFO. Upon notification by EPA that it agrees with Respondents' certification, or if EPA does not respond within sixty (60) days, Respondents' liability for federal civil penalties only is resolved for the violations alleged in Section V (EPA Allegations and Determinations) of this CAFO. This CAFO does not affect the right of EPA or the United States from taking action as provided by 40 C.F.R. 22.18(c).

51. The headings in this CAFO are for convenience of reference only and shall not affect the interpretation of this CAFO.

52. The Parties to this CAFO shall bear their own costs and attorneys' fees in this matter.

53. This CAFO and the attached proposed Final Order shall become effective upon execution of the Final Order by EAB and filing with the Clerk of the EAB ("Effective Date"). 40 C.F.R. §§ 22.18(b)(2) and 22.31(b).

[SIGNATURES BEGIN ON NEXT PAGE]

AGREED AND CONSENTED TO:

FOR COMPLAINANT:

Date: 1/19/17

Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 1/19/17

Laura Welles, Attorney-Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

[SIGNATURES CONTINUE ON NEXT PAGE]

FOR RESPONDENT WHOLE FOODS MARKET GROUP, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET CALIFORNIA, INC.:

Date: 1/18/17

FOR RESPONDENT MRS. GOOCH'S FOOD MARKETS, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET PACIFIC NORTHWEST, INC.:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET ROCKY MOUNTAIN/SOUTHWEST, L.P.:

Date: 1/18/17

FOR RESPONDENT WFM NORTHERN NEVADA, INC.:

Date: 1/18/17

FOR RESPONDENT WFM SOUTHERN NEVADA, INC.:

Date: 1/18/17

[SIGNATURES CONTINUE ON NEXT PAGE]

FOR RESPONDENT WFM HAWAII, LLC:

Date: 1/18/17

FOR RESPONDENT WFM KANSAS, LLC:

Date: 1/18/17

FOR RESPONDENT WFM-WO, INC.:

Date: 1/18/17

FOR RESPONDENT NATURE'S HEARTLAND, INC.:

Date: 1/18/17

FOR RESPONDENT WFM NEBRASKA, LLC:

Date: 1/18/17

FOR RESPONDENT WHOLE FOODS MARKET LUSHER COURT FRISCO CO, LLC:

Date: 1/18/17

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:	)	
Whole Foods Market Group, Inc.,	)	Docket No. RCRA-HQ-2017-0001
Whole Foods Market California, Inc.	)	
Mrs. Gooch's Natural Food Markets, Inc.,	)	
Whole Foods Market Pacific Northwest, Inc.,	)	
and Whole Foods Market Rocky Mountain/	)	
Southwest, L.P.,	)	
WFM Northern Nevada, Inc.,	)	
WFM Southern Nevada, Inc.,	)	
WFM Hawaii, LLC,	)	
WFM-WO, Inc.,	)	
Nature's Heartland, Inc.,	)	
WFM Nebraska, LLC, and	)	
Whole Foods Market Lusher	)	
Frisco CO, LLC	)	

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondents are ORDERED to comply with the terms of the Consent Agreement, effective immediately.

So ordered.[1]

Dated: _____

_____
Judge, Environmental Appeals Board

[1] The three-member panel ratifying this matter is composed of Environmental Appeals Judges _____, _____ and _____.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Consent Agreement" and "Final Order" in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001, were filed and copies of the same were sent to the following person in the manner indicated below:

Via Interoffice Mail:

Laura K. Welles, Esq.
Waste and Chemical Enforcement Division
Office of Civil Enforcement
1200 Pennsylvania Ave., NW (Mail Code 2249A)
Washington, DC 20460

Via U.S. Certified Mail:

John H. Hempfling II, Esq.
Whole Foods Market Central Office
550 Bowie Street
Austin, TX 78703

Jennifer Hartman King, Esq.
King Williams LLP
520 Capitol Mall, Ste 750
Sacramento, CA 95814

Dated: _____

_____
Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

JAN 24 2017

VIA HAND DELIVERY

Eurika Durr, Clerk
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, D.C. 20004

Re: Docket No. RCRA-HQ-2017-0001; Supplemental Filing – Appendices designated as CBI

Dear Ms. Durr:

Enclosed please find a supplemental filing that includes an original executed Consent Agreement with Appendices A through F designated as Confidential Business Information (CBI), as well as Appendix G (not designated as CBI). This filing supplements the non-CBI documents that were hand delivered to the Board on Monday, January 23, 2017.

Please let me know if you have any questions concerning this matter. I can be reached by telephone at 202-564-2754 or by email at welles.laura@epa.gov.

Sincerely,

Laura Welles

Laura Welles,
Attorney Advisor
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Enclosure

cc: John H. Hempfling II, Esq. (counsel to Whole Foods Market Group, Inc., et al.)
Jennifer Hartman King, Esq. (counsel to Whole Foods Market Group, Inc., et al.)

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CERTIFICATE OF SERVICE

I hereby certify that the original executed Consent Agreement with CBI Appendices (A through F), as well as Appendix G in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001 were submitted to the Board in paper form (double wrapped) via hand-delivery to the following authorized RCRA Document Control Officer on 1/24/17:

Eurika Durr
Clerk of the Board
U.S. EPA
Environmental Appeals Board
1201 Constitution Ave., N.W.
U.S. EPA East Building, Room 3334
Washington, D.C. 20004

I hereby certify that a copy of the original executed Consent Agreement with CBI Appendices (A through F), as well as Appendix G in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001, will be sent to the following persons by certified mail, return receipt requested on 1/24/17:

John H. Hempfling II, Esq.
Whole Foods Market Central Office
550 Bowie Street
Austin, TX 78703

and

Jennifer Hartman King, Esq.
King Williams LLP
520 Capitol Mall, Ste 750
Sacramento, CA 95814

Dated: 1/24/17

Laura Welles

Laura Welles, Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement / U.S. EPA
1200 Pennsylvania Ave., N.W.
Mail Code 2249A
Washington, D.C. 20460

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Postal Product:

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DATE & TIME	STATUS OF ITEM	LOCATION
January 30, 2017 , 2:45 pm	Delivered, Left with Individual	**SACRAMENTO, CA 95814**
Your item was delivered to an individual at the address at 2:45 pm on January 30, 2017 in SACRAMENTO, CA 95814.		
January 28, 2017 , 9:59 am	Out for Delivery	SACRAMENTO, CA 95814
January 28, 2017 , 9:49 am	Sorting Complete	SACRAMENTO, CA 95814
January 28, 2017 , 8:16 am	Arrived at Unit	SACRAMENTO, CA 95813
January 28, 2017 , 2:34 am	Arrived at USPS Facility	WEST SACRAMENTO, CA 95799
January 27, 2017 , 4:29 am	In Transit to Destination	
January 26, 2017 , 4:59 am	Departed USPS Facility	CHARLESTON, SC 29423
January 26, 2017 , 4:29 am	Arrived at USPS Facility	CHARLESTON, SC 29423
January 25, 2017 , 6:55 am	Departed USPS Facility	SOUTHERN MD FACILITY, MD 20797
January 25, 2017 , 2:01 am	Arrived at USPS Facility	SOUTHERN MD FACILITY, MD 20797
January 25, 2017 , 12:07 am	Arrived at USPS Facility	WASHINGTON, DC 20066

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Tracking Number: **70083230000093975309**

Updated Delivery Day: **Friday, January 27, 2017**

Product & Tracking Information

Postal Product:

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DATE & TIME	STATUS OF ITEM	LOCATION
January 27, 2017 , 9:28 am	Delivered, To Mail Room	**AUSTIN, TX 78703**

Your item has been delivered to the mail room at 9:28 am on January 27, 2017 in AUSTIN, TX 78703.

January 27, 2017 , 5:30 am	Arrived at Unit	AUSTIN, TX 78705
January 27, 2017 , 5:04 am	Arrived at USPS Facility	AUSTIN, TX 78710
January 27, 2017 , 3:52 am	Arrived at USPS Facility	AUSTIN, TX 78703
January 27, 2017 , 2:50 am	Departed USPS Facility	AUSTIN, TX 78710
January 26, 2017 , 4:41 pm	Arrived at USPS Facility	AUSTIN, TX 78710
January 25, 2017 , 12:07 am	Departed USPS Facility	WASHINGTON, DC 20066
January 25, 2017 , 12:03 am	Arrived at USPS Facility	WASHINGTON, DC 20066

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Message

From: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]
Sent: 1/17/2017 11:08:33 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: EPA/Whole Foods Market -- draft audit and proposed final order

I am in depositions from 1/17-19/17 with limited access to email and phone. If this is an emergency please contact Jennifer Boggs at jennifer.boggs@wholefoods.com or call her at (512) 542-3874. I apologize for any inconvenience.

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 3/31/2017 8:14:01 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods CAFO -- follow up to today's conference call

Thanks.

Rosemarie

From: Welles, Laura
Sent: Friday, March 31, 2017 4:12 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Whole Foods CAFO -- follow up to today's conference call

FYI – minus the US Steel CD/opinion and order.

Have a good weekend.

Laura

From: Welles, Laura
Sent: Friday, March 31, 2017 4:10 PM
To: Wenisch, Michelle <Wenisch.Michelle@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Jennifer Hartman King <jhartmanking@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Subject: Whole Foods CAFO -- follow up to today's conference call

Dear Michelle:

Per our discussion this afternoon, attached please find a list of civil judicial cases entered this year with SEPs or mitigation, as well as a list of administrative cases with SEPs approved in 2017. Also attached is the U.S. v. U.S. Steel consent decree, along with the opinion and order approving the motion to enter the consent decree. As John Fogarty explained during our call, the U.S. Steel settlement includes a SEP that is similar to the SEP in the EPA/Whole Foods Market consent agreement (see Appendix A, page 75 of the consent decree).

Hopefully the attached documents address/resolve the issues we've been discussing and so there may not be a need for Tuesday's conference call.

Please let me or John know if you have any questions.

I hope you have a good weekend.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

(202) 564-2754

Message

From: Ng, Brian [Ng.Brian@epa.gov]
Sent: 2/27/2017 8:45:38 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Status of Whole Foods Settlement

Thanks Laura.

Brian

From: Welles, Laura
Sent: Monday, February 27, 2017 3:37 PM
To: Ng, Brian <Ng.Brian@epa.gov>
Subject: RE: Status of Whole Foods Settlement

Hi Brian,

The EAB is still reviewing the consent agreement. I'll let you know when I hear something.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Ng, Brian
Sent: Monday, February 27, 2017 9:50 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Status of Whole Foods Settlement

Hi Laura,

Do you know where things stand with the EAB's review of the Whole Foods consent agreement? Is the EAB likely to ratify it soon?

Thanks,
Brian

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 3/31/2017 5:11:26 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods call

Great.

See you in a little while.

Rosemarie

From: Welles, Laura
Sent: Friday, March 31, 2017 12:58 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Whole Foods call

I just checked and I do have access to your calendar.

I'll come down to your office for the call.

Thanks,
Laura

From: Kelley, Rosemarie
Sent: Friday, March 31, 2017 12:48 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods call

The meeting is on my calendar.

Are you in the office? If so, why don't you come down and we can call from here.

Do you have access to my calendar? If not, let me know so I can give you access.

Rosemarie

From: Welles, Laura
Sent: Friday, March 31, 2017 10:11 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Whole Foods call

Hi Rosemarie,

It's my understanding from John that you are joining the 3 pm call with EAB this afternoon re: Whole Foods matter. Not sure if you received the meeting invite that Michelle Wenisch (EAB attorney) sent out to the parties and so let me know if you need the call in number.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Sent: 1/24/2017 11:22:29 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

No worries...thank you.

From: Welles, Laura
Sent: Tuesday, January 24, 2017 3:15 PM
To: Ogle, Kimberly <Ogle.Kimberly@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

I'm just following up on the telephone message I left you earlier this afternoon. Please see the email I just sent to you, as well as Julie Matthews. Sorry for the delay, but it's been a hectic couple of days.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Ogle, Kimberly
Sent: Thursday, January 19, 2017 10:21 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Williams, Cheryl B. <Williams.CherylB@epa.gov>
Subject: Fwd: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

I would like to see the settlement. Is there any cd monitoring you expect the regions to take the lead on?

Sent from my iPhone

Begin forwarded message:

> **From:** "Welles, Laura" <Welles.Laura@epa.gov>
> **Date:** January 19, 2017 at 7:13:32 AM PST
> **To:** "Crossland, Andy" <Crossland.Andy@epa.gov>, "amend, carol" <amend.carol@epa.gov>, "Arrazola, Ignacio" <arrazola.ignacio@epa.gov>, "Cunningham, Michael" <cunningham.michael@epa.gov>, "Duster, David" <DUSTER.DAVID@EPA.GOV>, "Figur, Charles" <Figur.Charles@epa.gov>, "Goetz, Mary" <goetz.mary@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Jamieson, Cheryl" <Jamieson.Cheryl@epa.gov>, "Lamberth, Larry" <Lamberth.Larry@epa.gov>, "Maldonado, Lewis" <Maldonado.Lewis@epa.gov>, "Matthews, Julie" <Matthews.Juliane@epa.gov>, "McDaniel, Doug" <McDaniel.Doug@epa.gov>, "McKeePerez, Nancy" <McKeePerez.Nancy@epa.gov>, "Michuda, Colleen E." <Michuda.Colleen@epa.gov>, "Moore, Letitia" <Moore.Letitia@epa.gov>, "Morris, Julie" <morris.julie@epa.gov>, "O'Donnell, Mary Jane" <Odonnell.Maryjane@epa.gov>, "Ogle, Kimberly"

<Ogle.Kimberly@epa.gov>, "Potts, Mark" <Potts.Mark@epa.gov>, "Redleaf-Durbin, Joan" <Redleaf-Durbin.Joan@epa.gov>, "Sawyer, William" <Sawyer.William@epa.gov>, "Schefski, Kenneth" <Schefski.Kenneth@epa.gov>, "Simpson, Andrea" <simpson.andrea@epa.gov>, "Singhvi, Sunita" <Singhvi.Sunita@epa.gov>, "Stuckey, Troy" <Stuckey.Troy@epa.gov>, "Thomas, Derval" <Thomas.Derval@epa.gov>, "Tidmore, Guy" <tidmore.guy@epa.gov>, "Urdiales, Aaron" <Urdiales.Aaron@epa.gov>, "Victorine, Gary" <victorine.gary@epa.gov>, "Voo, Leonard" <Voo.Leonard@epa.gov>, "Weekley, Erin" <weekley.erin@epa.gov>
Cc: "Saenz, Diana" <Saenz.Diana@epa.gov>, "Stedeford, Todd" <Stedeford.Todd@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs,

As indicated in the email chain below, notice to the States regarding the above matter will be sent via email and regular mail once Whole Foods Market Group, Inc., et al. signs the Consent Agreement.

Late yesterday Whole Foods Market Group, Inc., et al. signed the Consent Agreement and so notice will be sent to States today (with the exception of Region 6 States and States that do not have Whole Foods Market stores (i.e., Vermont, West Virginia, Montana, South Dakota, North Dakota, Wyoming, and Alaska) – the only U.S. Territory to receive notice is D.C.). The notice will be sent via email and regular mail – I plan to copy the region on the email.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>

Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/24/2017 9:28:12 PM
To: Moore, Letitia [Moore.Letitia@epa.gov]
CC: Ng, Brian [Ng.Brian@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Hi Letitia,

Yes – it is my understanding that we are planning to do press re: the Whole Foods Market settlement.

I've copied Brian Ng in case you have any more questions regarding press.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Monday, January 23, 2017 4:39 PM
To: Moore, Letitia <Moore.Letitia@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Sorry to be SUPER slow writing back. The last few weeks have been… exceptionally crazy.

I believe we are doing press.

-A

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

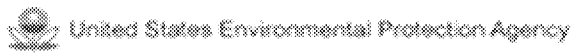
From: Moore, Letitia
Sent: Wednesday, January 11, 2017 9:06 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>

Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Hello! The Region 9 Enforcement Division is not planning to give a heads up to the states. Are you issuing a press release? Have the Regional Press Offices been alerted?

Thanks,

Letitia D. Moore
Section Chief | Hazardous Waste Branch
Office of Regional Counsel | U.S. EPA Region IX
415.972.3928 | moore.letitia@epa.gov



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From: Crossland, Andy
Sent: Thursday, January 05, 2017 1:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.

Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Delivery Report

From: Duclos, John [John.Duclos@des.nh.gov]
Sent: 2/14/2017 8:17:23 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Duclos, John

was read on 2/14/2017 8:17:23 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Tuesday, February 14, 2017 8:17:32 PM (UTC+00:00) Monrovia, Reykjavik

was read on Tuesday, February 14, 2017 8:17:23 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: McDaniel, Doug [McDaniel.Doug@epa.gov]
Sent: 1/23/2017 7:16:02 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:15:43 PM

was read on 1/23/2017 7:15:35 PM

Your message

To: McDaniel, Doug
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 2:15:43 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, January 23, 2017 11:15:35 AM (UTC-08:00) Pacific Time (US & Canada).

Message

From: Natalie.Creed@deq.idaho.gov [Natalie.Creed@deq.idaho.gov]
Sent: 1/19/2017 10:23:24 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Automatic reply: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

I am out of the office until Monday January 23rd. If you need immediate assistance, please call Jenny Shafer at (208) 373-0523 or the DEQ main number at (208) 373-0502. Thank you.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:22:53 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: jon.maybriar@ky.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:22:52 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:22:52 PM
To: jon.maybriar@ky.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Kentucky.pdf

Dear Mr. Maybriar:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Jon Maybriar, Director
Division of Waste Management
Kentucky Department for Environmental Protection
300 Sower Blvd. 2nd Floor
Frankfort, Kentucky 40601

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Maybriar:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Buckner, Edwin [Buckner.Edwin@epa.gov]
Sent: 1/23/2017 3:48:10 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy; Goetz, Mary; Buckner, Edwin
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:08:13 PM

was read on 1/23/2017 3:47:23 PM

Your message

To: Buckner, Edwin
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:08:13 PM (UTC-06:00) Central Time (US & Canada)

was read on Monday, January 23, 2017 9:47:23 AM (UTC-06:00) Central Time (US & Canada).

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:23:19 PM
To: natalie.creed@deq.idaho.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: postmaster@gets.onmicrosoft.com [postmaster@gets.onmicrosoft.com]
Sent: 1/19/2017 9:20:13 PM
To: Jeff.cown@dnr.ga.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Jeff.cown@dnr.ga.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:20:08 PM

Your message has been delivered to the following recipients:

Jeff.cown@dnr.ga.gov (Jeff.cown@dnr.ga.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:20:08 PM
To: Jeff.cown@dnr.ga.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Tomlinson, Dave (DOEE) [dave.tomlinson@dc.gov]
Sent: 1/23/2017 1:50:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Tomlinson, Dave (DOEE)

was read on 1/23/2017 1:50:57 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Monday, January 23, 2017 1:51:05 PM (UTC+00:00) Monrovia, Reykjavik

was read on Monday, January 23, 2017 1:50:57 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:23:21 PM
To: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: natalie.creed@deq.idaho.gov
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:23:19 PM

Your message has been delivered to the following recipients:

Ogle, Kimberly (Ogle.Kimberly@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:23:19 PM
To: natalie.creed@deq.idaho.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_ID.pdf

Dear Ms. Creed:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Natalie Creed
Hazardous Waste Compliance Manager
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Creed:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:20:09 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Jeff.cown@dnr.ga.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:20:08 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:20:08 PM
To: Jeff.cown@dnr.ga.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Georgia.pdf

Dear Mr. Cown:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Jeffrey W. Cown, Chief
Land Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1054 East Tower
Atlanta, Georgia 30334

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Cown:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Koesterer, Elizabeth [Koesterer.Elizabeth@epa.gov]
Sent: 1/20/2017 6:18:51 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: steve.sturgess@dnr.mo.gov
CC: Crossland, Andy; Goetz, Mary; Koesterer, Elizabeth
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:04:07 PM

was read on 1/20/2017 6:18:04 PM

Your message

To: Koesterer, Elizabeth
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:04:07 PM (UTC-06:00) Central Time (US & Canada)

was read on Friday, January 20, 2017 12:18:04 PM (UTC-06:00) Central Time (US & Canada).

Delivery Report

From: postmaster@ces.ca.gov [postmaster@ces.ca.gov]
Sent: 1/19/2017 10:20:45 PM
To: antonette.cordero@dtsc.ca.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: antonette.cordero@dtsc.ca.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:20:38 PM

Your message has been delivered to the following recipients:

antonette.cordero@dtsc.ca.gov (Antonette.Cordero@dtsc.ca.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:20:38 PM
To: antonette.cordero@dtsc.ca.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: postmaster@FloridaDEP.onmicrosoft.com [postmaster@FloridaDEP.onmicrosoft.com]
Sent: 1/19/2017 9:17:11 PM
To: tim.bahr@dep.state.fl.us
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:17:06 PM

Your message has been delivered to the following recipients:

tim.bahr@dep.state.fl.us (tim.bahr@dep.state.fl.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:17:06 PM
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: DiSalvio, Dan (DEP) [dan.disalvio@state.ma.us]
Sent: 1/20/2017 5:56:02 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: DiSalvio, Dan (DEP)

was read on 1/20/2017 5:56:02 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 5:56:06 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 5:56:02 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:20:38 PM
To: antonette.cordero@dtsc.ca.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_CA.pdf

Dear Antonette:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Antonette Cordero, Deputy Director
California Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311-6505

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Antonette:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: postmaster@FloridaDEP.onmicrosoft.com [postmaster@FloridaDEP.onmicrosoft.com]
Sent: 1/19/2017 9:17:12 PM
To: glen.perrigan@dep.state.fl.us
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:17:06 PM

Your message has been delivered to the following recipients:

glen.perrigan@dep.state.fl.us (glen.perrigan@dep.state.fl.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:17:06 PM
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: LIVENGOOD David [david.livengood@state.or.us]
Sent: 1/20/2017 4:46:10 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; LIVENGOOD David [david.livengood@state.or.us]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Laura,

Thank you kindly for the notice! I will pass this along to my colleagues.

Best,
David.

David Livengood
Manager, Hazardous Waste and Tanks
Oregon Department of Environmental Quality
O 503.229.5769
M 503.756.4943

We've moved - address above.

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 2:25 PM
To: LIVENGOOD David
Cc: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Mr. Livengood:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:18:53 PM
To: McDaniel, Doug [McDaniel.Doug@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: malone.laura@azdeq.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:18:52 PM

Your message has been delivered to the following recipients:

McDaniel, Doug (McDaniel.Doug@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:18:52 PM
To: malone.laura@azdeq.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_AZ.pdf

Dear Ms. Malone:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Laura Malone
Director, Waste Division
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Malone:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:17:07 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:17:06 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:17:06 PM
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_FL.pdf; State Notice_Whole Foods Market_Florida.pdf

Dear Tim and Glen:

Attached please find an Enforcement Action Notice (Notice) for each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Tim J. Bahr, P.G.
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Bahr:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Glen Perrigan, Environmental Manager
Florida Department of Environmental Protection
Waste Compliance Assistance Program
2600 Blair Stone Road, MS4550
Tallahassee, Florida 32399-2400

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Perrigan:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: LIVENGOOD David [david.livengood@state.or.us]
Sent: 1/20/2017 4:44:34 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: LIVENGOOD David

was read on 1/20/2017 4:44:34 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 4:44:42 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 4:44:34 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:17:26 PM
To: enoack@ndep.nv.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: enoack@ndep.nv.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:17:24 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

enoack@ndep.nv.gov (enoack@ndep.nv.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:17:24 PM
To: enoack@ndep.nv.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Perrigan, Glen [Glen.Perrigan@dep.state.fl.us]
Sent: 1/20/2017 4:27:32 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Perrigan, Glen

was read on 1/20/2017 4:27:32 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 4:27:38 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 4:27:32 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:17:25 PM
To: McDaniel, Doug [McDaniel.Doug@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: enoack@ndep.nv.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:17:24 PM

Your message has been delivered to the following recipients:

McDaniel, Doug (McDaniel.Doug@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:17:24 PM
To: enoack@ndep.nv.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_NV.pdf

Dear Mr. Noack:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Eric Noack, Chief
Bureau of Waste Management
Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Noack:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Message

From: Duster, David [DUSTER.DAVID@EPA.GOV]
Sent: 2/27/2017 8:52:06 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Enforcement Action Notice for Whole Foods Markets

Laura,

I'll give her a call and see if this is sufficient. David

From: Welles, Laura
Sent: Monday, February 27, 2017 1:51 PM
To: Duster, David <DUSTER.DAVID@EPA.GOV>
Subject: FW: Enforcement Action Notice for Whole Foods Markets

David,

I'm about to sign off the computer soon – let me know if you still prefer a conference call with Deborah Ng.

The Whole Foods consent agreement covers all Whole Foods stores with the exception of stores located in Region 6 (Region 6 had an earlier enforcement action with Whole Foods – see link for press release https://www.epa.gov/newsreleases/whole-foods-agrees-improve-waste-management-epa-settlement). Under the consent agreement, Whole Foods will (and already has taken steps) implement an enhanced hazardous waste management program at all stores, as well as an independent audit for select stores.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Deborah Ng [mailto:dng@utah.gov]
Sent: Monday, February 27, 2017 3:40 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Duster, David <DUSTER.DAVID@EPA.GOV>
Subject: Re: Enforcement Action Notice for Whole Foods Markets

Ms Welles,

If you could describe if any stores in Utah were impacted with the lawsuit and what steps Whole Foods has taken based on the enforcement action, we may not need a conference call. If you think it best to have a conference call, I'm available most of the day.

Best Regards,
Deborah

On Mon, Feb 27, 2017 at 1:31 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

Hi Deborah:

Thank you for your email. Sorry for the delay in getting back to you, but I was out of the office all last week.

Are you available for a conference call this Thursday (3/2) to discuss the Whole Foods matter? If so, please let me know what times work best for you. If this Thursday does not work for you, please email me some days and times that work for you next week.

Thanks,

Laura

Laura Welles

Attorney Advisor

Waste and Chemical Enforcement Division

Office of Civil Enforcement

U.S. Environmental Protection Agency

(202) 564-2754

From: Deborah Ng [mailto:dng@utah.gov]
Sent: Tuesday, February 21, 2017 8:58 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Duster, David <DUSTER.DAVID@EPA.GOV>
Subject: Enforcement Action Notice for Whole Foods Markets

Ms. Welles,

Could you provide us with more information regarding this enforcement action.

Best Regards,

Deborah

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:12:51 PM
To: pdd@adem.state.al.us
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pdd@adem.state.al.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:12:43 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pdd@adem.state.al.us (pdd@adem.state.al.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:12:43 PM
To: pdd@adem.state.al.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: postmaster@HawaiiOIMT.onmicrosoft.com [postmaster@HawaiiOIMT.onmicrosoft.com]
Sent: 1/19/2017 10:15:48 PM
To: steven.chang@doh.hawaii.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:15:43 PM

Your message has been delivered to the following recipients:

steven.chang@doh.hawaii.gov (steven.chang@doh.hawaii.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:15:43 PM
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:12:44 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pdd@adem.state.al.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:12:43 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:12:43 PM
To: pdd@adem.state.al.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Alabama.pdf

Dear Mr. Davis:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Phillip D. Davis, Chief
Land Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Davis:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Neel, Daphne G. [neeldg@dhec.sc.gov]
Sent: 1/20/2017 3:52:24 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Neel, Daphne G.

was read on 1/20/2017 3:52:24 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 3:52:30 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 3:52:24 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:15:44 PM
To: McDaniel, Doug [McDaniel.Doug@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:15:43 PM

Your message has been delivered to the following recipients:

McDaniel, Doug (McDaniel.Doug@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:15:43 PM
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_HI.pdf

Dear Mr. Chang:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Steven Y.K. Chang, P.E.
Chief, Solid and Hazardous Waste Branch
Hawaii Department of Health
919 Ala Moana Boulevard, #212
Honolulu, HI 96814

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Chang:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:05:33 PM
To: leslie.romanchik@deq.virginia.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: leslie.romanchik@deq.virginia.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:05:30 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

leslie.romanchik@deq.virginia.gov (leslie.romanchik@deq.virginia.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:05:30 PM
To: leslie.romanchik@deq.virginia.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Sturgess, Steve [steve.sturgess@dnr.mo.gov]
Sent: 1/20/2017 3:45:33 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Sturgess, Steve

was read on 1/20/2017 3:45:33 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 3:45:35 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 3:45:33 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:13:32 PM
To: dverbica@utah.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: dverbica@utah.gov
CC: Crossland, Andy; Urdiales, Aaron
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:13:28 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

dverbica@utah.gov (dverbica@utah.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:13:28 PM
To: dverbica@utah.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:05:31 PM
To: amend, carol [amend.carol@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: leslie.romanchik@deq.virginia.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:05:30 PM

Your message has been delivered to the following recipients:

amend, carol (amend.carol@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:05:30 PM
To: leslie.romanchik@deq.virginia.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_VA.pdf

Dear Ms. Romanchik:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Leslie A. Romanchik
Hazardous Waste Program Manager
HW Permits/Closure
Commonwealth of Virginia
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Romanchik:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Davidson, Amie [amie.davidson@dnr.iowa.gov]
Sent: 1/20/2017 2:32:59 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: amie.davidson@dnr.iowa.gov

was read on 1/20/2017 2:32:59 PM

Your message

To:
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 2:33:02 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 2:32:59 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:10:58 PM
To: doug.knappe@state.co.us
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: doug.knappe@state.co.us
CC: Urdiales, Aaron; Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:10:55 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

doug.knappe@state.co.us (doug.knappe@state.co.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:10:55 PM
To: doug.knappe@state.co.us
CC: Urdiales, Aaron [Urdiales.Aaron@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Thomas, Derval [Thomas.Derval@epa.gov]
Sent: 1/19/2017 9:03:11 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy; Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:40:37 PM

was read on 1/19/2017 9:03:02 PM

Your message

To: Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 3:40:37 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 19, 2017 4:03:02 PM (UTC-05:00) Eastern Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:10:56 PM
To: Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: doug.knappe@state.co.us
CC: Urdiales, Aaron; Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:10:55 PM

Your message has been delivered to the following recipients:

Urdiales, Aaron (Urdiales.Aaron@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:10:55 PM
To: doug.knappe@state.co.us
CC: Urdiales, Aaron [Urdiales.Aaron@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_CO.pdf

Dear Mr. Knappe:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Doug Knappe, Manager
Hazardous Waste Program
Office of Enforcement
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Knappe:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Cressland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:02:11 PM
To: melgross@pa.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: melgross@pa.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:02:07 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

melgross@pa.gov (melgross@pa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:02:07 PM
To: melgross@pa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: postmaster@SOKansas.onmicrosoft.com [postmaster@SOKansas.onmicrosoft.com]
Sent: 1/19/2017 10:08:21 PM
To: Brian.Burbeck@ks.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy; Goetz, Mary; Buckner, Edwin
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:08:13 PM

Your message has been delivered to the following recipients:

Brian.Burbeck@ks.gov (Brian.Burbeck@ks.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:08:13 PM
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: amend, carol [amend.carol@epa.gov]
Sent: 1/20/2017 2:20:18 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: dave.tomlinson@dc.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:53:25 PM

was read on 1/20/2017 2:19:59 PM

Your message

To: amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 3:53:25 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Friday, January 20, 2017 9:19:59 AM (UTC-05:00) Eastern Time (US & Canada).

Message

From: Sisbach, Steven L - DNR [Steven.Sisbach@wisconsin.gov]
Sent: 1/20/2017 2:07:35 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Thanks Laura

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 3:46 PM
To: Sisbach, Steven L - DNR
Cc: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Mr. Sisbach:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Delivery Report

From: JAnthony, Karen (DNREC) [Karen.JAnthony@state.de.us]
Sent: 1/20/2017 1:34:41 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: JAnthony, Karen (DNREC)

was read on 1/20/2017 1:34:41 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 1:34:45 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 1:34:41 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Steele-Perkins, Giles (DEP) [Giles.Steele-Perkins@MassMail.State.MA.US]
Sent: 1/20/2017 1:32:01 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Steele-Perkins, Giles (DEP)

was read on 1/20/2017 1:32:01 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 1:32:05 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 1:32:01 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Sisbach, Steven L - DNR [Steven.Sisbach@wisconsin.gov]
Sent: 1/20/2017 1:24:50 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Sisbach, Steven L - DNR

was read on 1/20/2017 1:24:50 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 1:24:54 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 1:24:50 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Maack, Charles [Charles.Maack@dep.nj.gov]
Sent: 1/20/2017 1:11:08 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Maack, Charles

was read on 1/20/2017 1:11:08 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 1:11:14 PM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 1:11:08 PM (UTC+00:00) Monrovia, Reykjavik.

Message

From: JOHNSTON, NANCY [NJOHNSTO@idem.IN.gov]
Sent: 1/20/2017 1:03:27 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: ATT00001

Your message

To: JOHNSTON, NANCY
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:52:31 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Friday, January 20, 2017 8:03:27 AM (UTC-05:00) Eastern Time (US & Canada).

Final-recipient: RFC822; NJOHNSTO@idem.IN.gov

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSExch-Correlation-Key: j/HI2ZiJNEWOPXmouJatgQ==

Original-Message-ID:

<DM5PR09MB12445AAC363AD0BF4473C4829F7E0@DM5PR09MB1244.namprd09.prod.outlook.com>

X-Display-Name: JOHNSTON, NANCY

Delivery Report

From: Annicella, Alan [Annicella.Alan@epa.gov]
Sent: 1/20/2017 12:22:48 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pdd@adem.state.al.us
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:12:43 PM

was read on 1/20/2017 12:22:31 PM

Your message

To: Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:12:43 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Friday, January 20, 2017 7:22:31 AM (UTC-05:00) Eastern Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:02:08 PM
To: amend, carol [amend.carol@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: melgross@pa.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:02:07 PM

Your message has been delivered to the following recipients:

amend, carol (amend.carol@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:02:07 PM
To: melgross@pa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_PA.pdf

Dear Ms. Gross:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Melissa Gross, Chief
Compliance & Information Management
Division of Hazardous Waste
Bureau of Waste Management
Pennsylvania Department of Environmental Protection
P.O. Box 69170
Harrisburg, PA 17106-9170

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Gross:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Aycock, Jim [Aycock.Jim@epa.gov]
Sent: 1/20/2017 12:22:35 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy; Goetz, Mary; Aycock, Jim
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:58:26 PM

was read on 1/20/2017 12:21:50 PM

Your message

To: Aycock, Jim
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 3:58:26 PM (UTC-06:00) Central Time (US & Canada)

was read on Friday, January 20, 2017 6:21:50 AM (UTC-06:00) Central Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:08:18 PM
To: Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy; Goetz, Mary; Buckner, Edwin
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:08:13 PM

Your message has been delivered to the following recipients:

Buckner, Edwin (Buckner.Edwin@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:08:13 PM
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_KS.pdf

Dear Mr. Burbeck:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Brian Burbeck
Enforcement Unit Chief
Compliance & Enforcement, Waste Reduction & Assistance
Bureau of Waste Management
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 320
Topeka, KS 66612-1366

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Burbeck:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:59:45 PM
To: brian.coblentz@maryland.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: brian.coblentz@maryland.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:59:40 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

brian.coblentz@maryland.gov (brian.coblentz@maryland.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:59:40 PM
To: brian.coblentz@maryland.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Natalie.Creed@deq.idaho.gov [Natalie.Creed@deq.idaho.gov]
Sent: 1/20/2017 4:49:06 AM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Natalie K. Creed

was read on 1/20/2017 4:49:06 AM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Friday, January 20, 2017 4:49:12 AM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, January 20, 2017 4:49:06 AM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:08:18 PM
To: Goetz, Mary [goetz.mary@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy; Goetz, Mary; Buckner, Edwin
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:08:13 PM

Your message has been delivered to the following recipients:

Goetz, Mary (goetz.mary@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:08:13 PM
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_KS.pdf

Dear Mr. Burbeck:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Brian Burbeck
Enforcement Unit Chief
Compliance & Enforcement, Waste Reduction & Assistance
Bureau of Waste Management
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 320
Topeka, KS 66612-1366

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Burbeck:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:59:44 PM
To: amend, carol [amend.carol@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: brian.coblentz@maryland.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:59:40 PM

Your message has been delivered to the following recipients:

amend, carol (amend.carol@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:59:40 PM
To: brian.coblentz@maryland.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Maryland.pdf

Dear Mr. Coblentz:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Brian Coblentz
Chief of SWP Compliance Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230-1720

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Coblentz:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Cordero, Antonette@DTSC [Antonette.Cordero@dtsc.ca.gov]
Sent: 1/20/2017 12:20:19 AM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Thank you.

Antonette Cordero
Deputy Director, Hazardous Waste Management Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311-6505
Phone: (818) 717-6558 (staff)
(818) 717-6500 (main)

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 2:21 PM
To: Cordero, Antonette@DTSC <Antonette.Cordero@dtsc.ca.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Antonette:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:06:11 PM
To: bill.gidley@nebraska.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: bill.gidley@nebraska.gov
CC: Crossland, Andy; Goetz, Mary; Matthews, Marc
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:06:07 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

bill.gidley@nebraska.gov (bill.gidley@nebraska.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:06:07 PM
To: bill.gidley@nebraska.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Matthews, Marc [Matthews.Marc@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:56:58 PM
To: karen.janthony@state.de.us
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: karen.janthony@state.de.us
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:56:54 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

karen.janthony@state.de.us (karen.janthony@state.de.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:56:54 PM
To: karen.janthony@state.de.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Coblentz, Brian [brian.coblentz@maryland.gov]
Sent: 1/20/2017 12:19:51 AM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: Re: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Acknowledged, thank you Laura for the notification

On Thu, Jan 19, 2017 at 3:59 PM, Welles, Laura <Welles.Laura@epa.gov> wrote:

> Dear Mr. Coblentz:
>
> Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.
>
> Please let me know if you have any questions concerning this matter.
>
> Sincerely,
>
> Laura Welles
>
> Attorney Advisor
>
> Waste and Chemical Enforcement Division
>
> Office of Civil Enforcement
>
> U.S. Environmental Protection Agency
>
> (202) 564-2754

--
Brian W. Coblentz
Chief, Compliance Division
Solid Waste Program/Land Management Administration
Maryland Department of the Environment (MDE)
410 537 4175

Click here to complete a three question customer experience survey.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:06:09 PM
To: Matthews, Marc [Matthews.Marc@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: bill.gidley@nebraska.gov
CC: Crossland, Andy; Goetz, Mary; Matthews, Marc
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:06:07 PM

Your message has been delivered to the following recipients:

Matthews, Marc (Matthews.Marc@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:06:07 PM
To: bill.gidley@nebraska.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Matthews, Marc [Matthews.Marc@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_NE.pdf

Dear Mr. Gidley:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Bill Gidley
Waste Management Section Supervisor
Nebraska Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Gidley:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:56:55 PM
To: amend, carol [amend.carol@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: karen.janthony@state.de.us
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:56:54 PM

Your message has been delivered to the following recipients:

amend, carol (amend.carol@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:56:54 PM
To: karen.janthony@state.de.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Delaware.pdf

Dear Ms. J'Anthony:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Karen J Anthony, Program Manager
Department of Natural Resources & Environmental Control
Solid & Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901-7305

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Anthony:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 2/27/2017 6:42:58 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pat.flood@tn.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:31:45 PM

was read on 2/27/2017 6:41:09 PM

Your message

To: Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 4:31:45 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, February 27, 2017 1:41:09 PM (UTC-05:00) Eastern Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:04:11 PM
To: steve.sturgess@dnr.mo.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: steve.sturgess@dnr.mo.gov
CC: Crossland, Andy; Goetz, Mary; Koesterer, Elizabeth
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:04:07 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

steve.sturgess@dnr.mo.gov (steve.sturgess@dnr.mo.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:04:07 PM
To: steve.sturgess@dnr.mo.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Koesterer, Elizabeth [Koesterer.Elizabeth@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:53:29 PM
To: dave.tomlinson@dc.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: dave.tomlinson@dc.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:53:25 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

dave.tomlinson@dc.gov (dave.tomlinson@dc.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:53:25 PM
To: dave.tomlinson@dc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: McDaniel, Doug [McDaniel.Doug@epa.gov]
Sent: 1/19/2017 11:33:47 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: malone.laura@azdeq.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:18:52 PM

was read on 1/19/2017 11:33:25 PM

Your message

To: McDaniel, Doug
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 2:18:52 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Thursday, January 19, 2017 3:33:25 PM (UTC-08:00) Pacific Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:53:27 PM
To: amend, carol [amend.carol@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: dave.tomlinson@dc.gov
CC: Crossland, Andy; amend, carol
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:53:25 PM

Your message has been delivered to the following recipients:

amend, carol (amend.carol@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:53:25 PM
To: dave.tomlinson@dc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_DC.pdf

Dear Mr. Tomlinson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Dave Tomlinson, Chief
Hazardous Material Branch
District Department of Energy and the Environment
1200 First Street, NE
Washington, DC 20002-3327

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Tomlinson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) ● http://www.epa.gov
Recycled/Recyclable ● Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Cordero, Antonette@DTSC [Antonette.Cordero@dtsc.ca.gov]
Sent: 1/19/2017 11:29:44 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Cordero, Antonette@DTSC

was read on 1/19/2017 11:29:44 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 11:29:51 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 11:29:44 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:58:30 PM
To: amie.davidson@dnr.iowa.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy; Goetz, Mary; Aycock, Jim
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:58:26 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

amie.davidson@dnr.iowa.gov (amie.davidson@dnr.iowa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:58:26 PM
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Aycock, Jim [Aycock.Jim@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: postmaster@nysemail.onmicrosoft.com [postmaster@nysemail.onmicrosoft.com]
Sent: 1/19/2017 8:40:44 PM
To: kelly.lewandowski@dec.ny.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy; Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:40:37 PM

Your message has been delivered to the following recipients:

kelly.lewandowski@dec.ny.gov (kelly.lewandowski@dec.ny.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:40:37 PM
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Tim Aultman [TAultman@mdeq.ms.gov]
Sent: 1/19/2017 11:29:34 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Tim Aultman

was read on 1/19/2017 11:29:34 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 11:29:38 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 11:29:34 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:58:28 PM
To: Aycock, Jim [Aycock.Jim@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy; Goetz, Mary; Aycock, Jim
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:58:26 PM

Your message has been delivered to the following recipients:

Aycock, Jim (Aycock.Jim@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:58:26 PM
To: amie.davidson@dnr.iowa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Aycock, Jim [Aycock.Jim@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Iowa.pdf

Dear Ms. Davidson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Amie Davidson
Section Supervisor
Iowa Department of Natural Resources
502 E. 9th Street, 4th Floor
Des Moines, Iowa 50319-0034

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Davidson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:40:38 PM
To: Thomas, Derval [Thomas.Derval@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy; Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:40:37 PM

Your message has been delivered to the following recipients:

Thomas, Derval (Thomas.Derval@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:40:37 PM
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_New York.pdf

Dear Ms. Lewandowski:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Kelly Lewandowski
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Lewandowski:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Sent: 1/19/2017 11:15:35 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: doug.knappe@state.co.us
CC: Urdiales, Aaron; Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:10:55 PM

was read on 1/19/2017 11:14:42 PM

Your message

To: Urdiales, Aaron
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 3:10:55 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Thursday, January 19, 2017 4:14:42 PM (UTC-07:00) Mountain Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:37:24 PM
To: Charles.Maack@dep.nj.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Charles Maack
CC: Crossland, Andy; Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:37:19 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Charles.Maack@dep.nj.gov (Charles.Maack@dep.nj.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:37:19 PM
To: Charles Maack [charles.maack@dep.nj.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 8:37:21 PM
To: Thomas, Derval [Thomas.Derval@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Charles Maack
CC: Crossland, Andy; Thomas, Derval
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 8:37:19 PM

Your message has been delivered to the following recipients:

Thomas, Derval (Thomas.Derval@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 8:37:19 PM
To: Charles Maack [charles.maack@dep.nj.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_New Jersey.pdf

Dear Mr. Maack:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Charles Maack
New Jersey Department of Environmental Protection
Bureau of Hazardous Waste Enforcement
Mail Code 09-03
P.O. Box 420
Trenton, NJ 08625-0420

JAN 19 2017

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Maack:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Grossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Sent: 1/19/2017 11:02:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: natalie.creed@deq.idaho.gov
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:23:19 PM

was read on 1/19/2017 11:02:43 PM

Your message

To: Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 2:23:19 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Thursday, January 19, 2017 3:02:43 PM (UTC-08:00) Pacific Time (US & Canada).

Message

From: postmaster@state.in.us [postmaster@state.in.us]
Sent: 1/19/2017 9:54:06 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: ATT00001

Your message has been delivered to the following recipients:

njohnsto@idem.in.gov (njohnsto@idem.in.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Reporting-MTA: dns;IOTEXCP01PW.state.in.us

Received-From-MTA: dns;IOTSECP52PA.iot.in.gov

Arrival-Date: Thu, 19 Jan 2017 21:54:04 +0000

Original-Recipient: rfc822;njohnsto@idem.in.gov

Final-Recipient: rfc822;njohnsto@idem.in.gov

Action: delivered

Status: 2.1.5

Diagnostic-Code: smtp;250 2.1.5 Recipient OK

Remote-MTA: dns;IOTEXCP07PW.state.in.us

X-Display-Name: njohnsto@idem.in.gov

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:52:32 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: njohnsto@idem.in.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:52:31 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:52:31 PM
To: njohnsto@idem.in.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_IN.pdf

Dear Ms. Johnston:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Nancy Johnston, Chief
Enforcement Section
Compliance and Response Branch
Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
Indianapolis, IN 46204-2251

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Johnston:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: postmaster@ohiodas.onmicrosoft.com [postmaster@ohiodas.onmicrosoft.com]
Sent: 1/19/2017 9:51:33 PM
To: mitch.mathews@epa.state.oh.us
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: mitch.mathews@epa.state.oh.us
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:48:27 PM

Your message has been delivered to the following recipients:

mitch.mathews@epa.state.oh.us (mitch.mathews@epa.state.oh.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:48:27 PM
To: mitch.mathews@epa.state.oh.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:50:26 PM
To: todd.marvel@illinois.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: todd.marvel@illinois.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:50:22 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

todd.marvel@illinois.gov (todd.marvel@illinois.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:50:22 PM
To: todd.marvel@illinois.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:50:23 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: todd.marvel@illinois.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:50:22 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:50:22 PM
To: todd.marvel@illinois.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Illinois.pdf

Dear Mr. Marvel:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Todd Marvel
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Marvel:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 7:03:03 PM
To: tracey.tyrrell@DEM.RI.GOV
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: tracey.tyrrell@DEM.RI.GOV
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 7:03:00 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tracey.tyrrell@DEM.RI.GOV (tracey.tyrrell@DEM.RI.GOV)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 7:03:00 PM
To: tracey.tyrrell@DEM.RI.GOV
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Davis, Phil [PDD@adem.alabama.gov]
Sent: 1/19/2017 10:57:40 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Davis, Phil

was read on 1/19/2017 10:57:40 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 10:56:53 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 10:57:40 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 6:59:29 PM
To: john.duclos@des.nh.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: john.duclos@des.nh.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:59:25 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

john.duclos@des.nh.gov (john.duclos@des.nh.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:59:25 PM
To: john.duclos@des.nh.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Ruch, Susan (DEP) [susan.ruch@state.ma.us]
Sent: 1/19/2017 6:58:31 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Ruch, Susan (DEP)

was read on 1/19/2017 6:58:31 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 6:58:35 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 6:58:31 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:33:56 PM
To: malone.laura@azdeq.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: malone.laura@azdeq.gov
CC: Crossland, Andy; McDaniel, Doug; Moore, Letitia
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:18:52 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

malone.laura@azdeq.gov (malone.laura@azdeq.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:18:52 PM
To: malone.laura@azdeq.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 6:53:20 PM
To: Susan.Ruch@state.ma.us; Dan.Disalvio@state.ma.us; Giles.Steele-Perkins@state.ma.us; Saadi.Motamedi@state.ma.us; Blanchet.Richard@state.ma.us
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Susan.Ruch@state.ma.us; Dan.Disalvio@state.ma.us; Giles.Steele-Perkins@state.ma.us; Saadi.Motamedi@state.ma.us; Blanchet.Richard@state.ma.us
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:53:15 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Susan.Ruch@state.ma.us (Susan.Ruch@state.ma.us)

Dan.Disalvio@state.ma.us (Dan.Disalvio@state.ma.us)

Giles.Steele-Perkins@state.ma.us (Giles.Steele-Perkins@state.ma.us)

Saadi.Motamedi@state.ma.us (Saadi.Motamedi@state.ma.us)

Blanchet.Richard@state.ma.us (Blanchet.Richard@state.ma.us)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:53:15 PM
To: Susan.Ruch@state.ma.us; Dan.Disalvio@state.ma.us; Giles.Steele-Perkins@state.ma.us; Saadi.Motamedi@state.ma.us; Blanchet.Richard@state.ma.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Brian Burbeck [Brian.Burbeck@ks.gov]
Sent: 1/19/2017 10:32:09 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Brian Burbeck

was read on 1/19/2017 10:32:09 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 10:32:13 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 10:32:09 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Pat Flood [Pat.Flood@tn.gov]
Sent: 1/19/2017 10:26:55 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Pat Flood

was read on 1/19/2017 10:26:55 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 10:27:03 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 10:26:55 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:26:52 PM
To: swer461@ecy.wa.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: swer461@ecy.wa.gov
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:26:47 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

swer461@ecy.wa.gov (swer461@ecy.wa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:26:47 PM
To: swer461@ecy.wa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:26:49 PM
To: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: swer461@ecy.wa.gov
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:26:47 PM

Your message has been delivered to the following recipients:

Ogle, Kimberly (Ogle.Kimberly@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:26:47 PM
To: swer461@ecy.wa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Washington.pdf

Dear Ms. Jackson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Stephanie Jackson
Washington Department of Ecology
P.O. Box 47600
300 Desmond Drive
Olympia, WA 98504-7600

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Jackson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: postmaster [postmaster@deq.state.or.us]
Sent: 1/19/2017 10:25:05 PM
To: livengood.david@deq.state.or.us
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message

To: Livengood.David@deq.state.or.us
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:25:01 PM

```
The original message was received at Thu, 19 Jan 2017 14:25:05 -0800
from:
<Welles.Laura@epa.gov>

   ----- The following addresses had successful delivery notifications -----
<Livengood.David@deq.state.or.us>  (relayed to non-DSN-aware mailer)

   ----- Transcript of session follows -----
<Livengood.David@deq.state.or.us>... relayed; expect no further notifications
```

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:25:01 PM
To: Livengood.David@deq.state.or.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 10:25:04 PM
To: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Livengood.David@deq.state.or.us
CC: Crossland, Andy; Williams, Cheryl B.; Ogle, Kimberly
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 10:25:01 PM

Your message has been delivered to the following recipients:

Ogle, Kimberly (Ogle.Kimberly@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 10:25:01 PM
To: Livengood.David@deq.state.or.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_OR.pdf

Dear Mr. Livengood:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

David Livengood
HW Program Manager
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Livengood:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 6:53:15 PM
To: Susan.Ruch@state.ma.us; Dan.Disalvio@state.ma.us; Giles.Steele-Perkins@state.ma.us; Saadi.Motamedi@state.ma.us; Blanchet.Richard@state.ma.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_MA.pdf; State Notice_Whole Foods Market_MA_Central.pdf; State Notice_Whole Foods Market_MA_Northeast.pdf; State Notice_Whole Foods Market_MA_Southeast.pdf; State Notice_Whole Foods Market_MA_Southeast.pdf

All:

Attached please find Enforcement Action Notices (Notice) to each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Richard Blanchet
Deputy Director of Solid & Hazardous Waste
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Blanchet:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Giles Steele-Perkins
Compliance & Enforcement Chief
Massachusetts Department of Environmental Protection – Central Region
8 New Bond Street
Worcester, MA 01608

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Steele-Perkins:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Susan Ruch, Acting Director
Massachusetts Department of Environmental Protection – Northeast Region
205B Lowell Street
Wilmington, MA 01887

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Ruch:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Dan DiSalvio
Enforcement & Compliance
Massachusetts Department of Environmental Protection – Southeast Region
20 Riverside Drive
Lakeville, MA 02347

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. DiSalvio:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Dan DiSalvio
Enforcement & Compliance
Massachusetts Department of Environmental Protection – Southeast Region
20 Riverside Drive
Lakeville, MA 02347

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. DiSalvio:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:48:28 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: mitch.mathews@epa.state.oh.us
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:48:27 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:48:27 PM
To: mitch.mathews@epa.state.oh.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Ohio.pdf

Dear Mr. Mathews:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Mitch Mathews, Manager
Compliance Assurance Section
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Mathews:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Hudson, Michael S [Michael.S.Hudson@maine.gov]
Sent: 1/19/2017 6:30:22 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Hudson, Michael S

was read on 1/19/2017 6:30:22 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 6:30:44 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 6:30:22 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:45:42 PM
To: Steven.sisbach@wisconsin.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Steven.sisbach@wisconsin.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:45:40 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Steven.sisbach@wisconsin.gov (Steven.sisbach@wisconsin.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:45:40 PM
To: Steven.sisbach@wisconsin.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 6:28:42 PM
To: michael.s.hudson@maine.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: michael.s.hudson@maine.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:28:36 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

michael.s.hudson@maine.gov (michael.s.hudson@maine.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:28:36 PM
To: michael.s.hudson@maine.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:45:41 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Steven.sisbach@wisconsin.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:45:40 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:45:40 PM
To: Steven.sisbach@wisconsin.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_WI.pdf

Dear Mr. Sisbach:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Steve Sisbach
Wisconsin Department of Natural Resources – Central Office
P.O. Box 7921
Madison, WI 53707-7921

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Sisbach:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 6:28:38 PM
To: O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: michael.s.hudson@maine.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:28:36 PM

Your message has been delivered to the following recipients:

O'Donnell, Mary Jane (Odonnell.Maryjane@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:28:36 PM
To: michael.s.hudson@maine.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Maine.pdf

Dear Mike:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter. Please also give my best to folks at Maine DEP.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Mike Hudson
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Hudson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Cunningham, Michael [cunningham.michael@epa.gov]
Sent: 1/19/2017 9:45:31 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: craigj@michigan.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:43:22 PM

was read on 1/19/2017 9:44:30 PM

Your message

To: Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 3:43:22 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, January 19, 2017 3:44:30 PM (UTC-06:00) Central Time (US & Canada).

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 6:28:36 PM
To: michael.s.hudson@maine.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Maine.pdf

Dear Mike:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter. Please also give my best to folks at Maine DEP.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Mike Hudson
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Hudson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 1/19/2017 6:27:51 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: robert.isner@ct.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:16:26 PM

was read on 1/19/2017 6:27:51 PM

Your message

To: Crossland, Andy
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 1:16:26 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 19, 2017 1:27:51 PM (UTC-05:00) Eastern Time (US & Canada).

Delivery Report

From: Mail Delivery System [MAILER-DAEMON@smtp-av2.michigan.gov]
Sent: 1/19/2017 9:43:27 PM
To: craigj@michigan.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: craigj@michigan.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:43:22 PM

```
This is the mail system at host smtp-av2.michigan.gov.

Your message was successfully delivered to the destination(s)
listed below. If the message was delivered to mailbox you will
receive no further notifications. Otherwise you may still receive
notifications of mail delivery errors from other systems.

                    The mail system

<craigj@michigan.gov>: delivery via localhost[127.0.0.1]:10025: 250 2.0.0 Ok:
    queued as 95C4C150086
```

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:43:22 PM
To: craigj@michigan.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Sent: 1/19/2017 6:18:11 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: robert.isner@ct.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:16:26 PM

was read on 1/19/2017 6:17:45 PM

Your message

To: O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 1:16:26 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 19, 2017 1:17:45 PM (UTC-05:00) Eastern Time (US & Canada).

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:43:23 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: craigj@michigan.gov
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:43:22 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:43:22 PM
To: craigj@michigan.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_MI.pdf

Dear Mr. Craig:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

John Craig, Chief
Enforcement Section
Michigan Department of Environmental Quality
Constitution Hall
525 W. Allegan Street
P.O. Box 30241
Lansing, MI 48909

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Craig:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 6:16:31 PM
To: robert.isner@ct.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: robert.isner@ct.gov
CC: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 6:16:26 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.isner@ct.gov (robert.isner@ct.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 6:16:26 PM
To: robert.isner@ct.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:41:06 PM
To: Cunningham, Michael [cunningham.michael@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: sarah.kilgriff@state.mn.us
CC: Crossland, Andy; Cunningham, Michael
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:41:05 PM

Your message has been delivered to the following recipients:

Cunningham, Michael (cunningham.michael@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:41:05 PM
To: sarah.kilgriff@state.mn.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_MN.pdf

Dear Ms. Kilgriff:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Sarah Kilgriff, Manager
Land and Air Compliance Section
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Kilgriff:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Delivery Report

From: Woosley, Julie [julie.woosley@ncdenr.gov]
Sent: 1/19/2017 9:36:57 PM
To: Welles, Laura [Welles.Laura@epa.gov]
Subject: Read: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: Woosley, Julie

was read on 1/19/2017 9:36:57 PM

Your message

To:
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: Thursday, January 19, 2017 9:37:01 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, January 19, 2017 9:36:57 PM (UTC+00:00) Monrovia, Reykjavik.

Delivery Report

From: postmaster@dhec.sc.gov [postmaster@dhec.sc.gov]
Sent: 1/19/2017 9:33:52 PM
To: neeldg@dhec.sc.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: neeldg@dhec.sc.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:33:48 PM

Your message has been delivered to the following recipients:

neeldg@dhec.sc.gov (neeldg@dhec.sc.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:33:48 PM
To: neeldg@dhec.sc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:33:49 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: neeldg@dhec.sc.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:33:48 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:33:48 PM
To: neeldg@dhec.sc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_South Carolina.pdf

Dear Ms. Neel:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Daphne Neel
Bureau Chief
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Neel:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crosland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:31:49 PM
To: pat.flood@tn.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pat.flood@tn.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:31:45 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pat.flood@tn.gov (pat.flood@tn.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:31:45 PM
To: pat.flood@tn.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:31:46 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: pat.flood@tn.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:31:45 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:31:45 PM
To: pat.flood@tn.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Tennessee.pdf

Dear Mr. Flood:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Patrick J. Flood, Director
Division of Solid Waste Management
Tennessee Department of Environment and Conservation
William R Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Flood:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:30:00 PM
To: julie.woosley@ncdenr.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: julie.woosley@ncdenr.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:29:58 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

julie.woosley@ncdenr.gov (julie.woosley@ncdenr.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:29:58 PM
To: julie.woosley@ncdenr.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:29:59 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: julie.woosley@ncdenr.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:29:58 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:29:58 PM
To: julie.woosley@ncdenr.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_North Carolina.pdf

Dear Ms. Woosley:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Julie Woosley, Chief
Hazardous Waste Section
Division of Waste Management
North Carolina Department of Environmental Quality
1646 Mail Service Center
Raleigh, North Carolina 26799-1646

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Woosley:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) ● http://www.epa.gov
Recycled/Recyclable ● Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Delivery Report

From: postmaster@mdeq.ms.gov [postmaster@mdeq.ms.gov]
Sent: 1/19/2017 9:26:58 PM
To: TAultman@mdeq.ms.gov
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: TAultman@mdeq.ms.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:26:52 PM

Your message has been delivered to the following recipients:

TAultman@mdeq.ms.gov (TAultman@mdeq.ms.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:26:52 PM
To: TAultman@mdeq.ms.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:26:53 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
Subject: Delivered: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: TAultman@mdeq.ms.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:26:52 PM

Your message has been delivered to the following recipients:

Annicella, Alan (Annicella.Alan@epa.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:26:52 PM
To: TAultman@mdeq.ms.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Mississippi.pdf

Dear Mr. Aultman:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Tim Aultman, P.E., BCEE
Chief, Environmental Compliance and Enforcement Division
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, Mississippi 39225

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Aultman:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Maybriar, Jon (EEC) [Jon.Maybriar@ky.gov]
Sent: 1/19/2017 9:25:07 PM
To: Welles, Laura [Welles.Laura@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Thank you Laura

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 4:23 PM
To: Maybriar, Jon (EEC)
Cc: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Mr. Maybriar:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/19/2017 9:22:55 PM
To: jon.maybriar@ky.gov
Subject: Relayed: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Your message
To: jon.maybriar@ky.gov
CC: Crossland, Andy; Annicella, Alan
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Sent: 1/19/2017 9:22:52 PM

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jon.maybriar@ky.gov (jon.maybriar@ky.gov)

Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/19/2017 9:22:52 PM
To: jon.maybriar@ky.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 4/6/2017 9:19:42 PM
To: Seltzer, Mark [Seltzer.Mark@epa.gov]
Subject: Whole Foods

I never signed up for the EAB alert... Will you do me a favor and forward any alerts that you might get in the next day or so if related to Whole Foods?

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 4/6/2017 9:02:27 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]
Subject: In the Matter of Whole Foods Market Group, Inc., et al. (Docket No. RCRA-HQ-2017-0001)
Attachments: Proposed Final Order_final draft_1 18 17.docx

Michelle,

Per your request, attached is an electronic copy of the proposed final order that was filed in the above matter. I did notice a typo – there appears to be an "and" between Whole Foods Market Pacific Northwest, Inc. and Whole Foods Market Rocky Mountain/Southwest, L.P."

Please let me know if you have any questions or problems with the attachment.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:	)	
Whole Foods Market Group, Inc., Whole Foods Market California, Inc. Mrs. Gooch's Natural Food Markets, Inc., Whole Foods Market Pacific Northwest, Inc., and Whole Foods Market Rocky Mountain/ Southwest, L.P., WFM Northern Nevada, Inc., WFM Southern Nevada, Inc., WFM Hawaii, LLC, WFM-WO, Inc., Nature's Heartland, Inc., WFM Nebraska, LLC, and Whole Foods Market Lusher Frisco CO, LLC	)	Docket No. RCRA-HQ-2017-0001

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondents are ORDERED to comply with the terms of the Consent Agreement, effective immediately.

So ordered.[1]

Dated: _____

_____
Judge, Environmental Appeals Board

[1] The three-member panel ratifying this matter is composed of Environmental Appeals Judges _____, _____ and_____.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Consent Agreement" and "Final Order" in the Matter of Whole Foods Market Group, Inc., et al., Docket No. RCRA-HQ-2017-0001, were filed and copies of the same were sent to the following person in the manner indicated below:

Via Interoffice Mail:

Laura K. Welles, Esq.
Waste and Chemical Enforcement Division
Office of Civil Enforcement
1200 Pennsylvania Ave., NW (Mail Code 2249A)
Washington, DC 20460

Via U.S. Certified Mail:

John H. Hempfling II, Esq.
Whole Foods Market Central Office
550 Bowie Street
Austin, TX 78703

Jennifer Hartman King, Esq.
King Williams LLP
520 Capitol Mall, Ste 750
Sacramento, CA 95814

Dated: _____

_____
Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/3/2017 9:53:47 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]
Subject: Whole Foods SEP
Attachments: Appendix G.pdf

Attached is the Whole Foods SEP.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:	)	EPA Docket No. RCRA-HQ-2017-0001
	)	
Whole Foods Market Group, Inc.,	)	Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)
Whole Foods Market California, Inc.,	)	
Mrs. Gooch's Natural Food Markets, Inc.,	)	
Whole Foods Market Pacific Northwest, Inc.,	)	
Whole Foods Market Rocky Mountain/ Southwest, L.P.,	)	
WFM Northern Nevada, Inc.,	)	
WFM Southern Nevada, Inc.,	)	
WFM Hawaii, LLC,	)	
WFM Kansas, LLC,	)	
WFM-WO, Inc.,	)	
Nature's Heartland, Inc.,	)	
WFM Nebraska, LLC, and	)	
Whole Foods Market Lusher Court Frisco CO, LLC	)	
RESPONDENTS.	)	

CONSENT AGREEMENT AND FINAL ORDER

APPENDIX G

APPENDIX G
Replacement of Lighting Ballasts and Light Bulbs in Public Schools and Community Centers

1. Whole Foods Market shall provide for the removal and proper disposal of fluorescent lighting ballasts that contain polychlorinated biphenyls (PCBs) and the replacement and installation of new energy-efficient, PCB-free replacement lighting ballasts and light bulbs for public schools and/or community centers, as provided in this Appendix ("School Lighting Replacement SEP" or "SEP"). The focus of the School Lighting Replacement SEP is to protect the environment and public health by facilitating the safe identification, removal, and disposal of fluorescent lighting ballasts containing PCBs, and to replace them with energy efficient, non-PCB containing lighting fixtures. The School Lighting Replacement SEP shall: seek to reduce the use of lighting ballasts that contain PCBs in schools and/or community centers serving children (persons under the age of 18), including day-care centers and early childhood centers; ensure that equipment containing PCBs that is removed in this project is handled and disposed (removed from commerce) in accordance with applicable federal regulations set forth in 40 C.F.R. Part 761; and reduce energy demand through installation of energy-efficient lighting that contributes towards reduction in compounded toxics in the energy sector. Whole Foods Market shall also provide training to the school and community center personnel who handle hazardous waste. The training shall address the proper identification, handling and disposal of hazardous wastes located and used in the schools and community centers where this SEP is performed.

2. Whole Foods Market shall expend $2.75 million to implement this SEP.

3. To identify public schools and/or community centers in which to perform this SEP, Whole Foods Market shall:

a. Identify candidate communities in which to perform this SEP that:

i. Have low- to moderate-income residents within the candidate community, which may be identified by reference to census block group and tract data, as calculated by the Department of Housing and Urban Development (see https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/);

ii. Are within a 50-mile radius of a Whole Foods Market store covered by this CAFO; and

iii. Have one or more public school and/or community center facilities located within the candidate community (*e.g.* within the census block group and tract).

b. Consult with the relevant public school district or other state or local authority with jurisdiction over the school or community center facilities to identify facilities which have or are likely to have lighting ballasts that contain PCBs (likely for

schools or community centers built before 1979 that have not had extensive lighting retrofits since 1979 and are using T-12 magnetic lighting ballasts). Priority for lighting ballast replacement should be given to those schools or centers with a significant number of children who qualify for a reduced or free lunch program.

Schools or community centers to be selected for lighting replacements and training under this SEP shall be located in multiple regions of the United States (*e.g.*, Northeast, Mid-Atlantic, Pacific Northwest, etc.) where Whole Foods Market Stores are located, as identified in Paragraph 1 of the CAFO and listed in Appendix A.

4. All replacement lighting ballasts and light bulbs shall be electronic and shall have an energy efficiency that is equivalent to or better than T-8 (based on energy efficiency standards set by the U. S. Department of Energy) with preference given to LED light fixtures, if feasible.

5. Lighting ballasts removed under this SEP shall be assumed to have PCB waste and shall be properly disposed of in accordance with 40 C.F.R. Part 761, unless such ballasts are clearly marked or labeled to have no PCBs.

6. Whole Foods Market is responsible for the satisfactory completion of this SEP in accordance with the requirements of this Appendix. Whole Foods Market may use contractors or consultants in planning and implementing this SEP.

7. The School Lighting Replacement SEP shall be completed within three (3) years after the Effective Date of this CAFO; however, this date may be extended by mutual agreement between Whole Foods Market and EPA in writing.

8. Upon completion of this SEP, Whole Foods Market shall submit to EPA a "SEP Completion Report" no later than ninety (90) days from the date of the SEP's completion. The SEP Completion Report shall contain, at a minimum:

a. A detailed description of the School Lighting Replacement SEP as completed, including the number and locations of the schools and/or community centers addressed under this SEP along with the number of fixtures with replaced lighting at each school and/or center;

b. A description of how low- or moderate-income communities meeting the criteria in Paragraph 3.a were identified;

c. Records demonstrating that the lighting ballasts were properly disposed of in accordance with 40 C.F.R. Part 761;

d. The dates and locations of each training session provided for school and community center personnel, the number of personnel receiving such training, and a summary description or course outline of the training;

e. A description of any problem(s) encountered in completing the SEP and their solution(s);

f. An itemized list and/or documentation of all SEP costs expended;

g. Evidence or information documenting the SEP's completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from SEP recipients, etc.); and

h. To the extent possible, a statement of the benefits associated with this SEP as implemented and an explanation of how such benefits were measured or estimated.

The SEP Completion Report must be certified by an appropriate corporate official, and a certificate stating:

> "I certify that the project has been fully implemented pursuant to the provisions of the Consent Agreement and Final Order in *In the Matter of Whole Foods Market Group, Inc., et al.*, EPA Docket No. RCRA-HQ-2017-0001, that I am familiar with the information in this document, and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

9. EPA may require information in addition to that described in the preceding Paragraph, in order to evaluate Whole Foods Market's completion of the SEP. After receiving the SEP Completion Report, EPA shall notify Whole Foods Market in writing within sixty (60) days whether it agrees that the SEP is satisfactorily completed, or if EPA does not agree it shall identify the basis for its position. "Satisfactorily completed" means completion of this SEP in accordance with the provisions of this Appendix G. If EPA does not agree that Whole Foods Market has satisfactorily completed the SEP, Whole Foods Market shall address the matters identified in EPA's objection, and may thereafter recertify completion of the SEP. Upon notification by EPA that it agrees with Respondents' certification, or if EPA does not respond within sixty (60) days, Whole Foods Market shall have no further obligations under this SEP.

10. Whole Foods Market certifies the truth and accuracy of each of the following:

a. that, as of the date of executing this CAFO, Whole Foods Market is not required to perform or develop any SEP in this Appendix by any federal, state, or local law or regulation and is not required to perform or develop this SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

b. that the SEP is not a project that Whole Foods Market was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

c. that Whole Foods Market has not received and will not receive credit for this SEP in any other enforcement action; and

d. that Whole Foods Market will not receive any reimbursement for any portion of this SEP from any other person.

11. Whole Foods Market further certifies that it is not a party to any open federal financial assistance that is funding or could be used to fund the same activity as this SEP, and that to the best of Whole Foods Market's knowledge and belief after reasonable inquiry, there is

ED_005188A_00002369-00004

no such open federal financial transaction that is funding or could be used to fund the same activity as this SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not yet expired.

12. Disputes concerning the satisfactory performance of this SEP may be resolved under Section VII of this CAFO (Dispute Resolution).

13. Any public statement, oral or written in print, film, or other media, made by Whole Foods Market making reference to this SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *In the Matter of Whole Foods Market Group, Inc., et al.*, EPA Docket No. RCRA-HQ-2017-0001, to enforce federal laws."

14. For federal income tax purposes, Whole Foods Market agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing this SEP.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 4/6/2017 3:59:21 PM
To: Ng, Brian [Ng.Brian@epa.gov]
Subject: RE: Status of Whole Foods Settlement

Yes – I'll be in the office. I'll also forward you an email exchange John and John had a few minutes ago.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Ng, Brian
Sent: Thursday, April 06, 2017 11:52 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Status of Whole Foods Settlement

Hi Laura,

Just heard that Whole Foods may go tomorrow. In case it does, and we receive press inquiries, should we reach out to you tomorrow for assistance?

Thanks,
Brian

From: Welles, Laura
Sent: Monday, February 27, 2017 3:37 PM
To: Ng, Brian <Ng.Brian@epa.gov>
Subject: RE: Status of Whole Foods Settlement

Hi Brian,

The EAB is still reviewing the consent agreement. I'll let you know when I hear something.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Ng, Brian
Sent: Monday, February 27, 2017 9:50 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Status of Whole Foods Settlement

Hi Laura,

Do you know where things stand with the EAB's review of the Whole Foods consent agreement? Is the EAB likely to ratify it soon?

Thanks,
Brian

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:48:27 PM
To: mitch.mathews@epa.state.oh.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Ohio.pdf

Dear Mr. Mathews:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Mitch Mathews, Manager
Compliance Assurance Section
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Mathews:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/21/2016 9:27:29 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: Whole Foods -- want to touch base with you before you leave for the day & vacation

I'm in my office – please let me know a good time to stop by.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:43:22 PM
To: craigj@michigan.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_MI.pdf

Dear Mr. Craig:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

John Craig, Chief
Enforcement Section
Michigan Department of Environmental Quality
Constitution Hall
525 W. Allegan Street
P.O. Box 30241
Lansing, MI 48909

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Craig:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/18/2017 1:42:32 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]
Subject: RE: EPA/Whole Foods - state notice

Thank you!

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 8:28 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: EPA/Whole Foods - state notice

I am in the office today so I will be available.

Sent from my Windows Phone

From: Welles, Laura
Sent: 1/17/2017 4:39 PM
To: Saenz, Diana
Subject: RE: EPA/Whole Foods - state notice

Diana,

Thanks for getting back to me so quickly. I think they just want to be prepared. I'll send the prior case letter – it's the one you gave me – it was a HQs FA case. If they push back, I'll let you know, etc.

I plan to be in the office tomorrow – are you and Greg going to be in the office?

Thanks,
Laura

From: Saenz, Diana
Sent: Tuesday, January 17, 2017 4:34 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: EPA/Whole Foods - state notice

Laura--

I don't recall a defendant asking to see a state notice letter before in our practice.

The language of the letter is non negotiable, so I am not sure why they are asking. Perhaps just to be prepared.

I think sending an example of a prior case letter is a good practice. Though I don't know of a concern with sending them the letter that will go out (other than it is preliminary and has not yet been sent).

Sent from my Windows Phone

From: Welles, Laura
Sent: 1/17/2017 4:25 PM

To: Crossland, Andy; Saenz, Diana
Subject: EPA/Whole Foods - state notice

Diana,

The attorney for Whole Foods Market requested to see a copy of the draft state notice that will be sent out – before I send anything I wanted to check with you re: EPA's practice. The notice hasn't been sent out yet to the states – I'm not sure if any of the REMs sent a copy to their states (I'm just thinking whether it's public yet, etc.). I don't see any harm in letting them see the draft letter, but I don't want to stray from what has been EPA's practice.

Please let me know either way. If I haven't heard from you by 6 today, I'll just send a copy of another state notice that was issued (and thus public) to serve as an example.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:33:48 PM
To: neeldg@dhec.sc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_South Carolina.pdf

Dear Ms. Neel:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Daphne Neel
Bureau Chief
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Neel:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crosland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:31:45 PM
To: pat.flood@tn.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Tennessee.pdf

Dear Mr. Flood:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Patrick J. Flood, Director
Division of Solid Waste Management
Tennessee Department of Environment and Conservation
William R Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Flood:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:29:58 PM
To: julie.woosley@ncdenr.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_North Carolina.pdf

Dear Ms. Woosley:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Julie Woosley, Chief
Hazardous Waste Section
Division of Waste Management
North Carolina Department of Environmental Quality
1646 Mail Service Center
Raleigh, North Carolina 26799-1646

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Woosley:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) ● http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:26:52 PM
To: TAultman@mdeq.ms.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Mississippi.pdf

Dear Mr. Aultman:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Tim Aultman, P.E., BCEE
Chief, Environmental Compliance and Enforcement Division
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, Mississippi 39225

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Aultman:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 3/3/2017 3:18:31 PM
To: Moncrieffe, Marcia [Moncrieffe.Marcia@epa.gov]
Subject: RE: Whole Foods Request
Attachments: Appendix G.pdf

Hi Marcia,

It's good to hear from you. I hope all is well with you.

I just want to clarify that the Whole Foods national case has not been finalized yet – the consent agreement (I sent Mark Potts a copy yesterday) was filed with the Environmental Appeals Board in January, but the CA has not been ratified by the EAB. Since the consent agreement is still pending with the EAB, please do not send it outside the agency (although it may technically be a public record, I'm uneasy about sending outside EPA until it's been ratified, etc.). I'll let you know once I hear from the EAB.

With regard to the appendices, all are CBI except Appendix G (this appendix relates to the SEP – see attached). I'm happy to share the other appendices with you, but we'll need to follow CBI protocol, etc.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Moncrieffe, Marcia
Sent: Friday, March 03, 2017 9:49 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: Whole Foods Request

Laura,

I hope this email finds you well.

It is my understanding that the Whole Foods national case has been finalized, could you share with me please the appendices. I have the actual CAFO but not the appendices.

Thanks in advance,
Marcia

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:	)	EPA Docket No. RCRA-HQ-2017-0001
	)	
Whole Foods Market Group, Inc.,	)	Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)
Whole Foods Market California, Inc.,	)	
Mrs. Gooch's Natural Food Markets, Inc.,	)	
Whole Foods Market Pacific Northwest, Inc.,	)	
Whole Foods Market Rocky Mountain/ Southwest, L.P.,	)	
WFM Northern Nevada, Inc.,	)	
WFM Southern Nevada, Inc.,	)	
WFM Hawaii, LLC,	)	
WFM Kansas, LLC,	)	
WFM-WO, Inc.,	)	
Nature's Heartland, Inc.,	)	
WFM Nebraska, LLC, and	)	
Whole Foods Market Lusher Court Frisco CO, LLC	)	
RESPONDENTS.	)	

CONSENT AGREEMENT AND FINAL ORDER

APPENDIX G

APPENDIX G
Replacement of Lighting Ballasts and Light Bulbs in Public Schools and Community Centers

1. Whole Foods Market shall provide for the removal and proper disposal of fluorescent lighting ballasts that contain polychlorinated biphenyls (PCBs) and the replacement and installation of new energy-efficient, PCB-free replacement lighting ballasts and light bulbs for public schools and/or community centers, as provided in this Appendix ("School Lighting Replacement SEP" or "SEP"). The focus of the School Lighting Replacement SEP is to protect the environment and public health by facilitating the safe identification, removal, and disposal of fluorescent lighting ballasts containing PCBs, and to replace them with energy efficient, non-PCB containing lighting fixtures. The School Lighting Replacement SEP shall: seek to reduce the use of lighting ballasts that contain PCBs in schools and/or community centers serving children (persons under the age of 18), including day-care centers and early childhood centers; ensure that equipment containing PCBs that is removed in this project is handled and disposed (removed from commerce) in accordance with applicable federal regulations set forth in 40 C.F.R. Part 761; and reduce energy demand through installation of energy-efficient lighting that contributes towards reduction in compounded toxics in the energy sector. Whole Foods Market shall also provide training to the school and community center personnel who handle hazardous waste. The training shall address the proper identification, handling and disposal of hazardous wastes located and used in the schools and community centers where this SEP is performed.

2. Whole Foods Market shall expend $2.75 million to implement this SEP.

3. To identify public schools and/or community centers in which to perform this SEP, Whole Foods Market shall:

a. Identify candidate communities in which to perform this SEP that:

i. Have low- to moderate-income residents within the candidate community, which may be identified by reference to census block group and tract data, as calculated by the Department of Housing and Urban Development (see https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/);

ii. Are within a 50-mile radius of a Whole Foods Market store covered by this CAFO; and

iii. Have one or more public school and/or community center facilities located within the candidate community (*e.g.* within the census block group and tract).

b. Consult with the relevant public school district or other state or local authority with jurisdiction over the school or community center facilities to identify facilities which have or are likely to have lighting ballasts that contain PCBs (likely for

schools or community centers built before 1979 that have not had extensive lighting retrofits since 1979 and are using T-12 magnetic lighting ballasts). Priority for lighting ballast replacement should be given to those schools or centers with a significant number of children who qualify for a reduced or free lunch program.

Schools or community centers to be selected for lighting replacements and training under this SEP shall be located in multiple regions of the United States (*e.g.*, Northeast, Mid-Atlantic, Pacific Northwest, etc.) where Whole Foods Market Stores are located, as identified in Paragraph 1 of the CAFO and listed in Appendix A.

4. All replacement lighting ballasts and light bulbs shall be electronic and shall have an energy efficiency that is equivalent to or better than T-8 (based on energy efficiency standards set by the U. S. Department of Energy) with preference given to LED light fixtures, if feasible.

5. Lighting ballasts removed under this SEP shall be assumed to have PCB waste and shall be properly disposed of in accordance with 40 C.F.R. Part 761, unless such ballasts are clearly marked or labeled to have no PCBs.

6. Whole Foods Market is responsible for the satisfactory completion of this SEP in accordance with the requirements of this Appendix. Whole Foods Market may use contractors or consultants in planning and implementing this SEP.

7. The School Lighting Replacement SEP shall be completed within three (3) years after the Effective Date of this CAFO; however, this date may be extended by mutual agreement between Whole Foods Market and EPA in writing.

8. Upon completion of this SEP, Whole Foods Market shall submit to EPA a "SEP Completion Report" no later than ninety (90) days from the date of the SEP's completion. The SEP Completion Report shall contain, at a minimum:

a. A detailed description of the School Lighting Replacement SEP as completed, including the number and locations of the schools and/or community centers addressed under this SEP along with the number of fixtures with replaced lighting at each school and/or center;

b. A description of how low- or moderate-income communities meeting the criteria in Paragraph 3.a were identified;

c. Records demonstrating that the lighting ballasts were properly disposed of in accordance with 40 C.F.R. Part 761;

d. The dates and locations of each training session provided for school and community center personnel, the number of personnel receiving such training, and a summary description or course outline of the training;

e. A description of any problem(s) encountered in completing the SEP and their solution(s);

f. An itemized list and/or documentation of all SEP costs expended;

g. Evidence or information documenting the SEP's completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from SEP recipients, etc.); and

h. To the extent possible, a statement of the benefits associated with this SEP as implemented and an explanation of how such benefits were measured or estimated.

The SEP Completion Report must be certified by an appropriate corporate official, and a certificate stating:

> "I certify that the project has been fully implemented pursuant to the provisions of the Consent Agreement and Final Order in *In the Matter of Whole Foods Market Group, Inc., et al.*, EPA Docket No. RCRA-HQ-2017-0001, that I am familiar with the information in this document, and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

9. EPA may require information in addition to that described in the preceding Paragraph, in order to evaluate Whole Foods Market's completion of the SEP. After receiving the SEP Completion Report, EPA shall notify Whole Foods Market in writing within sixty (60) days whether it agrees that the SEP is satisfactorily completed, or if EPA does not agree it shall identify the basis for its position. "Satisfactorily completed" means completion of this SEP in accordance with the provisions of this Appendix G. If EPA does not agree that Whole Foods Market has satisfactorily completed the SEP, Whole Foods Market shall address the matters identified in EPA's objection, and may thereafter recertify completion of the SEP. Upon notification by EPA that it agrees with Respondents' certification, or if EPA does not respond within sixty (60) days, Whole Foods Market shall have no further obligations under this SEP.

10. Whole Foods Market certifies the truth and accuracy of each of the following:

a. that, as of the date of executing this CAFO, Whole Foods Market is not required to perform or develop any SEP in this Appendix by any federal, state, or local law or regulation and is not required to perform or develop this SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

b. that the SEP is not a project that Whole Foods Market was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

c. that Whole Foods Market has not received and will not receive credit for this SEP in any other enforcement action; and

d. that Whole Foods Market will not receive any reimbursement for any portion of this SEP from any other person.

11. Whole Foods Market further certifies that it is not a party to any open federal financial assistance that is funding or could be used to fund the same activity as this SEP, and that to the best of Whole Foods Market's knowledge and belief after reasonable inquiry, there is

ED_005188A_00002421-00004

no such open federal financial transaction that is funding or could be used to fund the same activity as this SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not yet expired.

12. Disputes concerning the satisfactory performance of this SEP may be resolved under Section VII of this CAFO (Dispute Resolution).

13. Any public statement, oral or written in print, film, or other media, made by Whole Foods Market making reference to this SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *In the Matter of Whole Foods Market Group, Inc., et al.*, EPA Docket No. RCRA-HQ-2017-0001, to enforce federal laws."

14. For federal income tax purposes, Whole Foods Market agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing this SEP.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:20:08 PM
To: Jeff.cown@dnr.ga.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Georgia.pdf

Dear Mr. Cown:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Jeffrey W. Cown, Chief
Land Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1054 East Tower
Atlanta, Georgia 30334

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Cown:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:17:06 PM
To: glen.perrigan@dep.state.fl.us; tim.bahr@dep.state.fl.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_FL.pdf; State Notice_Whole Foods Market_Florida.pdf

Dear Tim and Glen:

Attached please find an Enforcement Action Notice (Notice) for each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Tim J. Bahr, P.G.
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Bahr:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Glen Perrigan, Environmental Manager
Florida Department of Environmental Protection
Waste Compliance Assistance Program
2600 Blair Stone Road, MS4550
Tallahassee, Florida 32399-2400

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Perrigan:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:12:43 PM
To: pdd@adem.state.al.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Alabama.pdf

Dear Mr. Davis:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Phillip D. Davis, Chief
Land Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Davis:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/5/2017 11:04:11 PM
To: Moore, Letitia [Moore.Letitia@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
CC: Saenz, Diana [Saenz.Diana@epa.gov]
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Hi Letitia,

All Region 9 states will be receiving notices.

Please let me know if you have any other questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Moore, Letitia
Sent: Thursday, January 05, 2017 5:59 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Hello! Do you have a list of the States affected or should we presume that all Region 9 states will be receiving notices?

Letitia D. Moore
Section Chief | Hazardous Waste Branch
Office of Regional Counsel | U.S. EPA Region IX
415.972.3928 | moore.letitia@epa.gov

United States Environmental Protection Agency

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From: Crossland, Andy
Sent: Thursday, January 05, 2017 1:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug

<McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division

Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:05:30 PM
To: leslie.romanchik@deq.virginia.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_VA.pdf

Dear Ms. Romanchik:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Leslie A. Romanchik
Hazardous Waste Program Manager
HW Permits/Closure
Commonwealth of Virginia
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Romanchik:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:02:07 PM
To: melgross@pa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_PA.pdf

Dear Ms. Gross:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Melissa Gross, Chief
Compliance & Information Management
Division of Hazardous Waste
Bureau of Waste Management
Pennsylvania Department of Environmental Protection
P.O. Box 69170
Harrisburg, PA 17106-9170

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Gross:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/6/2016 2:42:52 PM
To: Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Subject: RE: State points of contact

Aaron,

Thank you for the list of contacts – I appreciate it. I noted the change that Colorado's HW manager is now Doug Knappe.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Urdiales, Aaron
Sent: Thursday, December 01, 2016 11:58 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: State points of contact

Andy,

Attached is a pdf file of our Region 8 state contacts. I would send the notice to the Haz waste mangers. The only correction I have for the list is CO. There has been a change - Doug Knappe is the Haz. waste manager now. Let me know if you need anything else.

Aaron Urdiales, Director
RCRA/CERCLA Technical Enforcement Program
US EPA Region 8, 8ENF
1595 Wynkoop St
Denver, CO 80202
303-312-6844

From: Crossland, Andy
Sent: Wednesday, November 30, 2016 6:02 AM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cheryl Jamison <jamison.cheryl@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William

<Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: State points of contact

Good morning everyone.

As we mentioned on our last REM call, OECA is moving towards a national settlement with Whole Foods, building on the work done in R6. In order to provide notice to the states, we need to collect info on the point of contact for each state. Could I get an email from each region with your up to date contact list - with names and addresses? Please copy Laura Welles whom I have CC'ed on this message.

Many thanks for your help,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 8:59:40 PM
To: brian.coblentz@maryland.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Maryland.pdf

Dear Mr. Coblentz:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Brian Coblentz
Chief of SWP Compliance Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230-1720

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Coblentz:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 8:56:54 PM
To: karen.janthony@state.de.us
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Delaware.pdf

Dear Ms. J'Anthony:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
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VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Karen J Anthony, Program Manager
Department of Natural Resources & Environmental Control
Solid & Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901-7305

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Anthony:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 8:53:25 PM
To: dave.tomlinson@dc.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; amend, carol [amend.carol@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_DC.pdf

Dear Mr. Tomlinson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Dave Tomlinson, Chief
Hazardous Material Branch
District Department of Energy and the Environment
1200 First Street, NE
Washington, DC 20002-3327

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Tomlinson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 8:40:37 PM
To: kelly.lewandowski@dec.ny.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_New York.pdf

Dear Ms. Lewandowski:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Kelly Lewandowski
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Lewandowski:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/13/2017 7:38:51 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: update on the REm call...

That should be fine. I'll touch base with Mike.

Also – I'm about to send you and Diana the draft EAB memo for your review, etc. I know you're running out of time, but if you could take a quick look that would be great.

Good luck next week.

Laura

From: Crossland, Andy
Sent: Friday, January 13, 2017 2:28 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: update on the REm call...

Hey, cold you give a status update on Whole Foods on the Rem call next week? Mike is running the call for us, so coordinate with him. I put you on the draft agenda that I sent him...

Thanks,
andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 8:37:19 PM
To: Charles.Maack@dep.nj.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_New Jersey.pdf

Dear Mr. Maack:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Charles Maack
New Jersey Department of Environmental Protection
Bureau of Hazardous Waste Enforcement
Mail Code 09-03
P.O. Box 420
Trenton, NJ 08625-0420

JAN 19 2017

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Maack:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Grossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 2/27/2017 8:31:13 PM
To: Deborah Ng [dng@utah.gov]
CC: Duster, David [DUSTER.DAVID@EPA.GOV]
Subject: RE: Enforcement Action Notice for Whole Foods Markets

Hi Deborah:

Thank you for your email. Sorry for the delay in getting back to you, but I was out of the office all last week.

Are you available for a conference call this Thursday (3/2) to discuss the Whole Foods matter? If so, please let me know what times work best for you. If this Thursday does not work for you, please email me some days and times that work for you next week.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Deborah Ng [mailto:dng@utah.gov]
Sent: Tuesday, February 21, 2017 8:58 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Duster, David <DUSTER.DAVID@EPA.GOV>
Subject: Enforcement Action Notice for Whole Foods Markets

Ms. Welles,

Could you provide us with more information regarding this enforcement action.

Best Regards,
Deborah

--

Deborah Ng | Manager | Hazardous Waste Section

801 536-0218 (direct) | 801 536-0200 (office) | 801 536-0222 (fax)

195 North 1950 West, Salt Lake City, Utah 84116

Statements made in this email do not constitute the official position of the Director of the Division of Waste Management and Radiation Control. If you desire a statement of the Division Director's position, please submit a written request to Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880, including copies of documents relevant to your request.

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 7:03:00 PM
To: tracey.tyrrell@DEM.RI.GOV
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Rhode Island.pdf

Dear Ms. Tyrrell:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Tracey Tyrrell
Compliance & Inspection
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Tyrrell:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 6:59:25 PM
To: john.duclos@des.nh.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_New Hampshire.pdf

Dear Mr. Duclos:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

John Duclos
Bureau Administrator
New Hampshire Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Duclos:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/12/2017 3:58:55 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: State notice -- Whole Foods

Andy,
I'll get all the notices ready so you can sign tomorrow. Since Monday is a holiday (and it's my compressed day off), I won't be here tomorrow (Friday). Since you'll be out next week, I need you to sign the notices so I'm ready to send out to the state (hopefully next week!). If I'm not able to touch base with you today, I'll leave the notices on your chair for signature.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 4:45:27 PM
To: Ogle, Kimberly [Ogle.Kimberly@epa.gov]
CC: Williams, Cheryl B. [Williams.CherylB@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Quick answer to your question is no – I don't think there's any cd monitoring that the regions will need to take the lead on – certifications, progress reports, SEP report, etc. will all go to HQs. I'm in the midst of getting the notices out and wrapping up loose ends, etc. – I will send a copy of the settlement to you as soon as I can.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Ogle, Kimberly
Sent: Thursday, January 19, 2017 10:21 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Williams, Cheryl B. <Williams.CherylB@epa.gov>
Subject: Fwd: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

I would like to see the settlement. Is there any cd monitoring you expect the regions to take the lead on?

Sent from my iPhone

Begin forwarded message:

> **From:** "Welles, Laura" <Welles.Laura@epa.gov>
> **Date:** January 19, 2017 at 7:13:32 AM PST
> **To:** "Crossland, Andy" <Crossland.Andy@epa.gov>, "amend, carol" <amend.carol@epa.gov>, "Arrazola, Ignacio" <arrazola.ignacio@epa.gov>, "Cunningham, Michael" <cunningham.michael@epa.gov>, "Duster, David" <DUSTER.DAVID@EPA.GOV>, "Figur, Charles" <Figur.Charles@epa.gov>, "Goetz, Mary" <goetz.mary@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Jamieson, Cheryl" <Jamieson.Cheryl@epa.gov>, "Lamberth, Larry" <Lamberth.Larry@epa.gov>, "Maldonado, Lewis" <Maldonado.Lewis@epa.gov>, "Matthews, Julie" <Matthews.Juliane@epa.gov>, "McDaniel, Doug" <McDaniel.Doug@epa.gov>, "McKeePerez, Nancy" <McKeePerez.Nancy@epa.gov>, "Michuda, Colleen E." <Michuda.Colleen@epa.gov>, "Moore, Letitia" <Moore.Letitia@epa.gov>, "Morris, Julie" <morris.julie@epa.gov>, "O'Donnell, Mary Jane" <Odonnell.Maryjane@epa.gov>, "Ogle, Kimberly" <Ogle.Kimberly@epa.gov>, "Potts, Mark" <Potts.Mark@epa.gov>, "Redleaf-Durbin, Joan" <Redleaf-Durbin.Joan@epa.gov>, "Sawyer, William" <Sawyer.William@epa.gov>, "Schefski, Kenneth" <Schefski.Kenneth@epa.gov>, "Simpson, Andrea" <simpson.andrea@epa.gov>, "Singhvi, Sunita" <Singhvi.Sunita@epa.gov>, "Stuckey, Troy" <Stuckey.Troy@epa.gov>, "Thomas, Derval"

<Thomas.Derval@epa.gov>, "Tidmore, Guy" <tidmore.guy@epa.gov>, "Urdiales, Aaron" <Urdiales.Aaron@epa.gov>, "Victorine, Gary" <victorine.gary@epa.gov>, "Voo, Leonard" <Voo.Leonard@epa.gov>, "Weekley, Erin" <weekley.erin@epa.gov>
Cc: "Saenz, Diana" <Saenz.Diana@epa.gov>, "Stedeford, Todd" <Stedeford.Todd@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>
Subject: RE: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs,

As indicated in the email chain below, notice to the States regarding the above matter will be sent via email and regular mail once Whole Foods Market Group, Inc., et al. signs the Consent Agreement.

Late yesterday Whole Foods Market Group, Inc., et al. signed the Consent Agreement and so notice will be sent to States today (with the exception of Region 6 States and States that do not have Whole Foods Market stores (i.e., Vermont, West Virginia, Montana, South Dakota, North Dakota, Wyoming, and Alaska) – the only U.S. Territory to receive notice is D.C.). The notice will be sent via email and regular mail – I plan to copy the region on the email.

Please let me know if you have any questions.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 2/17/2017 9:56:39 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: one other thing -- in case something comes up re: Whole Foods.

I checked with John and he will be in the office next week (except Friday) in case anything comes up re: Whole Foods. I don't anticipate anything, but just want to cover all bases, etc.

A copy of the non-CBI filing with EAB is in the WCED correspondence file (under fax machine near Candice's old desk). If you need a copy of the CBI filing with EAB, it's with Todd Stedeford – not sure if it's been transferred yet to Brian.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/18/2017 10:34:34 PM
To: Stedeford, Todd [Stedeford.Todd@epa.gov]
Subject: FW: Are you in tomorrow?

FYI – just keeping you in the loop re: Whole Foods. I'll be in the office tomorrow to get EAB package together, etc.

From: Saenz, Diana
Sent: Wednesday, January 18, 2017 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>
Subject: Are you in tomorrow?

Rosemarie:

We have the impending Whole Foods CAFO and will likely be giving you the package (EAB memo and CAFO) for review tomorrow. We expect that WF may sign today or tomorrow. Lara Welles will be here for part of the day to tend to the remaining items for the CAFO and package. Todd will be the acting WCED DD tomorrow.
Are you in the office tomorrow or tele-working?

Thanks
Diana

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/23/2017 7:18:16 PM
To: Kilgriff, Sarah D (MPCA) [sarah.kilgriff@state.mn.us]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Sarah,

Thank you for confirming you received the notice – I really appreciate it. For some reason I didn't get a "delivery complete" after I sent you the email last Thursday.

Laura

From: Kilgriff, Sarah D (MPCA) [mailto:sarah.kilgriff@state.mn.us]
Sent: Monday, January 23, 2017 1:56 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Received, thanks
Sarah

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 3:41 PM
To: Kilgriff, Sarah D (MPCA) <sarah.kilgriff@state.mn.us>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Ms. Kilgriff:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/23/2017 4:45:46 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Thank you!

From: Crossland, Andy
Sent: Monday, January 23, 2017 11:39 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Yup, here t'is.

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 19, 2017 4:41 PM
To: sarah.kilgriff@state.mn.us
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Ms. Kilgriff:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/18/2017 6:23:31 PM
To: Bellot, Michael [Bellot.Michael@epa.gov]
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market
Attachments: DraftNoticetoNew Jersey_WFM.docx

FYI – this is the draft notice Andy sent to the REMs.

From: Crossland, Andy
Sent: Thursday, January 05, 2017 4:00 PM
To: amend, carol <amend.carol@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Duster, David <DUSTER.DAVID@EPA.GOV>; Figur, Charles <Figur.Charles@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; McDaniel, Doug <McDaniel.Doug@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Morris, Julie <morris.julie@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Simpson, Andrea <simpson.andrea@epa.gov>; Singhvi, Sunita <Singhvi.Sunita@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Thomas, Derval <Thomas.Derval@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Welles, Laura <Welles.Laura@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: FW: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

REMs-

You will recall that OECA has been working on a national settlement with Whole Foods. It is nearly complete and we are getting ready to send notice letters out to the states. See Laura's note below and the attached example letter – and feel free to give states a heads up to expect their letter as appropriate.

Many thanks,
Andy

Andy Crossland
Waste Enforcement Branch, Acting Chief
Waste and Chemical Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington D.C. 20460
202-564-0574
crossland.andy@epa.gov

From: Welles, Laura
Sent: Thursday, January 05, 2017 3:54 PM

To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Heads up regarding EPA HQs sending notice to States about a pending nationwide administrative settlement with Whole Foods Market

Andy,

Will you please provide the REMs with a copy of the attached draft notice to States (the attached is addressed to New Jersey's RCRA POC, but all notices will contain the same language) regarding the above matter. Per our discussions, once Whole Foods Market Group, Inc., et al. signs the Consent Agreement, the attached notice will be sent to the States (with the exception of Region 6 States and States that do not have Whole Foods Market stores) via email and U.S. regular mail. The timing could be as soon as early next week or the following week. I am not sure whether the REMs will want to reach out to their States prior to HQs sending out the notice.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/20/2017 6:16:58 PM
To: DiSalvio, Dan (DEP) [Dan.DiSalvio@MassMail.State.MA.US]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]; Motamedi, Saadi (DEP) [saadi.motamedi@state.ma.us]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_MA_Western.pdf

Dan:

Thank you for catching my mistake. Attached please find the attachment for the Southeast Region.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: DiSalvio, Dan (DEP) [mailto:Dan.DiSalvio@MassMail.State.MA.US]
Sent: Friday, January 20, 2017 1:01 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Motamedi, Saadi (DEP) <saadi.motamedi@state.ma.us>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

It looks like two of the attachments for the Southeast Region were identical and there was no attachment for the Western Region.

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 1:53 PM
To: Ruch, Susan (DEP); DiSalvio, Dan (DEP); Steele-Perkins, Giles (DEP); Motamedi, Saadi (DEP); Blanchet.Richard@state.ma.us
Cc: Crossland, Andy; O'Donnell, Mary Jane
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

All:

Attached please find Enforcement Action Notices (Notice) to each of you notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Saadi Motamedi
Compliance & Enforcement Chief
Massachusetts Department of Environmental Protection – Western Region
436 Dwight Street
Springfield, MA 01103

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Saadi:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/20/2017 5:53:50 PM
To: Sturgess, Steve [steve.sturgess@dnr.mo.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Mr. Sturgess,

Thank you for letting me know, as well as forwarding the notice to the appropriate people.

I wish you the best in your new position.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Sturgess, Steve [mailto:steve.sturgess@dnr.mo.gov]
Sent: Friday, January 20, 2017 11:06 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Goetz, Mary <goetz.mary@epa.gov>; Koesterer, Elizabeth <Koesterer.Elizabeth@epa.gov>; McMichael, Angie <angie.mcmichael@dnr.mo.gov>; Miller, Marty <marty.miller@dnr.mo.gov>; Lyskowski, Danny <Danny.Lyskowski@dnr.mo.gov>; kathy.flippin@dnr.mo.gov; Helgason, James <james.helgason@dnr.mo.gov>
Subject: RE: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Ms. Welles,

I no longer serve as the MDNR/HWP director. A couple of weeks ago I transferred to the MDNR Kansas City Regional Office as director. I'm forwarding this to Angie McMichael, who is currently serving as acting HWP director, and copying Kathy Flippin with HWP/Compliance & Enforcement. I'm also copying staff in the general counsel's office.

Thanks.

Steven W. Sturgess, RG
Director, Kansas City Regional Office
500 NE Colbern Rd.
Lee's Summit, MO 64086-4710
(816) 251-0724
www.mo.dnr.gov

From: Welles, Laura [mailto:Welles.Laura@epa.gov]
Sent: Thursday, January 19, 2017 4:04 PM
To: Sturgess, Steve
Cc: Crossland, Andy; Goetz, Mary; Koesterer, Elizabeth
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)

Dear Mr. Sturgess:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:26:47 PM
To: swer461@ecy.wa.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Washington.pdf

Dear Ms. Jackson:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Stephanie Jackson
Washington Department of Ecology
P.O. Box 47600
300 Desmond Drive
Olympia, WA 98504-7600

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Jackson:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:23:19 PM
To: natalie.creed@deq.idaho.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Williams, Cheryl B. [Williams.CherylB@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_ID.pdf

Dear Ms. Creed:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Natalie Creed
Hazardous Waste Compliance Manager
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Creed:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:18:52 PM
To: malone.laura@azdeq.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_AZ.pdf

Dear Ms. Malone:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
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COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Laura Malone
Director, Waste Division
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Malone:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:17:24 PM
To: enoack@ndep.nv.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_NV.pdf

Dear Mr. Noack:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Eric Noack, Chief
Bureau of Waste Management
Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Noack:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:15:43 PM
To: steven.chang@doh.hawaii.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_HI.pdf

Dear Mr. Chang:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Steven Y.K. Chang, P.E.
Chief, Solid and Hazardous Waste Branch
Hawaii Department of Health
919 Ala Moana Boulevard, #212
Honolulu, HI 96814

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Chang:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:13:28 PM
To: dverbica@utah.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Urdiales, Aaron [Urdiales.Aaron@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Utah.pdf

Dear Mr. Verbica:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Don Verbica, Manager
Hazardous Waste Section
Utah Department of Environmental Quality
195 North 1950 West
P.O. Box 144880
Salt Lake City, Utah 84114-4880

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Verbica:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:10:55 PM
To: doug.knappe@state.co.us
CC: Urdiales, Aaron [Urdiales.Aaron@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_CO.pdf

Dear Mr. Knappe:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Doug Knappe, Manager
Hazardous Waste Program
Office of Enforcement
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Knappe:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Cressland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:08:13 PM
To: Brian.Burbeck@ks.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_KS.pdf

Dear Mr. Burbeck:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Brian Burbeck
Enforcement Unit Chief
Compliance & Enforcement, Waste Reduction & Assistance
Bureau of Waste Management
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 320
Topeka, KS 66612-1366

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Burbeck:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:06:07 PM
To: bill.gidley@nebraska.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Matthews, Marc [Matthews.Marc@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_NE.pdf

Dear Mr. Gidley:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Bill Gidley
Waste Management Section Supervisor
Nebraska Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Gidley:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) ● http://www.epa.gov
Recycled/Recyclable ● Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 10:04:07 PM
To: steve.sturgess@dnr.mo.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Goetz, Mary [goetz.mary@epa.gov]; Koesterer, Elizabeth [Koesterer.Elizabeth@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Missouri.pdf

Dear Mr. Sturgess:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Steve Sturgess, Director
Hazardous Waste Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Sturgess:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

Internet Address (URL) • http://www.epa.gov
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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:52:31 PM
To: njohnsto@idem.in.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_IN.pdf

Dear Ms. Johnston:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Nancy Johnston, Chief
Enforcement Section
Compliance and Response Branch
Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
Indianapolis, IN 46204-2251

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Ms. Johnston:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/19/2017 9:50:22 PM
To: todd.marvel@illinois.gov
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Cunningham, Michael [cunningham.michael@epa.gov]
Subject: RCRA Enforcement Action Notice (Whole Foods Market Retail Grocery Stores - Nationwide Administrative Settlement)
Attachments: State Notice_Whole Foods Market_Illinois.pdf

Dear Mr. Marvel:

Attached please find an Enforcement Action Notice (Notice) notifying you that EPA plans to commence and conclude an administrative enforcement action against certain Whole Foods Market companies. The attached Notice provides more information regarding the alleged RCRA violations.

Please let me know if you have any questions concerning this matter.

Sincerely,

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL AND U.S. REGULAR MAIL

Todd Marvel
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Enforcement Action Notice
Whole Foods Market Retail Grocery Stores – Nationwide Administrative Settlement

Dear Mr. Marvel:

This is to notify you pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2), that the U.S. Environmental Protection Agency plans to commence and conclude an administrative enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928 and the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), against certain Whole Foods Market companies, including Whole Foods Market Group, Inc. The RCRA violations alleged in this action include the failure to properly conduct hazardous waste determinations at its grocery stores, as well as the improper handling of universal waste (spent fluorescent lamps).

If you have any questions concerning this matter, please contact Laura Welles of my staff at 202-564-2754 or welles.laura@epa.gov.

Sincerely,

Andy Crossland, Acting Chief
Waste Enforcement Branch
Waste and Chemical Enforcement Division

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Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/4/2016 9:56:12 PM
To: Welles, Laura [Welles.Laura@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]

Subject: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/9/2016 6:30:00 PM
End: 11/9/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/8/2016 8:02:58 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 8:00:00 PM
End: 12/15/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/9/2016 5:16:06 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]

Subject: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/9/2016 6:30:00 PM
End: 11/9/2016 7:00:00 PM
Show Time As: Tentative

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/13/2016 8:52:19 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 10:00:00 PM
End: 10/19/2016 11:00:00 PM
Show Time As: Busy

Appointment

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 11/9/2016 6:15:18 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Accepted: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/9/2016 6:30:00 PM
End: 11/9/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/4/2016 2:38:43 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Accepted: WF prep/discussion
Location: My office or yours?

Start: 10/5/2016 2:00:00 PM
End: 10/5/2016 2:30:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 11/1/2016 6:59:24 PM
To: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/4/2016 1:50:02 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]

Subject: Accepted: EPA / WFM Call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 2/7/2017 9:27:51 PM
To: Wenisch, Michelle [Wenisch.Michelle@epa.gov]

Subject: Accepted: Proposed Whole Foods Market Consent Agreement
Location: Conference Call

Start: 2/9/2017 8:00:00 PM
End: 2/9/2017 8:30:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/14/2016 1:45:37 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: WFM/EPA Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/15/2016 9:00:00 PM
End: 12/15/2016 10:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/20/2016 3:37:36 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM check-in call
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 12/20/2016 7:00:00 PM
End: 12/20/2016 7:30:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/8/2016 8:29:08 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]

Subject: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/9/2016 2:30:00 PM
End: 11/9/2016 3:00:00 PM
Show Time As: Tentative

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/1/2016 7:37:19 PM
To: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]

Subject: Accepted: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/10/2016 8:00:00 PM
End: 11/10/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/4/2016 9:56:14 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]

Subject: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/8/2016 3:30:00 PM
End: 11/8/2016 4:00:00 PM
Show Time As: Tentative

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/27/2016 3:41:48 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: WF meeting?

Start: 10/28/2016 7:00:00 PM
End: 10/28/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/13/2016 9:30:26 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: EPA/WFM Teleconference

Start: 10/19/2016 7:00:00 PM
End: 10/19/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]
Sent: 10/11/2016 4:36:21 PM
To: Jennifer Hartman King [JHartmanKing@KIngWilliamsLaw.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Aminah Famili [AFamili@KIngWilliamsLaw.com]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 10/19/2016 7:00:00 PM
End: 10/19/2016 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 11/8/2016 8:34:38 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Accepted: Whole Foods CAFO
Location: Diana or Andy's office

Start: 11/9/2016 2:30:00 PM
End: 11/9/2016 3:00:00 PM
Show Time As: Busy

Appointment

From: Jennifer Hartman King [JHartmanKing@kingwilliamslaw.com]
Sent: 11/1/2016 6:59:24 PM
To: John Hempfling (CE CEN) [John.Hempfling@wholefoods.com]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: EPA / WFM Teleconference
Location: Dial-in Number: 1-888-325-3989; Conference Code: 836031

Start: 11/1/2016 7:00:00 PM
End: 11/1/2016 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.

Appointment

From: Washington, Debra [Washington.Debra@epa.gov]
Sent: 9/22/2016 2:17:42 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Whole Foods Pre-Meeting
Location: 3146 ARS

Start: 9/26/2016 8:00:00 PM
End: 9/26/2016 9:00:00 PM
Show Time As: Tentative

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/4/2016 2:38:43 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Accepted: WF prep/discussion
Location: My office or yours?

Start: 10/5/2016 2:00:00 PM
End: 10/5/2016 2:30:00 PM
Show Time As: Busy

My office works – that way I have access to all the documents, etc.

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 9/30/2016 1:41:11 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: Whole Foods
Location: John's office

Start: 10/5/2016 6:00:00 PM
End: 10/5/2016 7:00:00 PM
Show Time As: Tentative

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 1/18/2017 2:01:20 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Email Mike re: Whole Foods for REM call

Start: 1/18/2017 6:00:00 PM
End: 1/18/2017 6:30:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/19/2016 3:05:12 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Hold for WFM

Start: 12/20/2016 4:00:00 PM
End: 12/20/2016 5:00:00 PM
Show Time As: Busy

Appointment

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 12/15/2016 3:12:35 PM
To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Hold for meeting with Whole Foods

Start: 12/21/2016 1:30:00 PM
End: 12/21/2016 5:00:00 PM
Show Time As: Busy